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ACTION MEMORANDUM

TO: SPCSA-Sponsored School Leaders
FROM: Marinna Cutler, Director of School Support
SUBJECT: Enrollment Monitoring and Support
DATE: January 4, 2023

Introduction:

In 2020, the State Public Charter School Authority (SPCSA) began an initiative to enhance our oversight of special education in charter schools, specifically focused on equitable access for students with high levels of service needs including those with disabilities. Part of this initiative includes identifying individual schools' strengths and challenges, with the ultimate goal of providing appropriate training and supports.

Timeline:

This year, the enrollment monitoring and support will kick off in late January with SPCSA staff members making random, unannounced phone calls to charter schools. The callers will represent themselves as parents of students with disabilities who are seeking information about admission to and enrollment in the school. Each caller will have a script/scenario from which they will operate, and respective school responses will be logged in a prescribed format for purposes of documentation and follow-up with the individual school as needed. The purpose of the call is to determine whether any caller is denied the right to apply to the school or discouraged from applying on behalf of their child.

- If school personnel answer all questions in a way that demonstrates that there are no barriers for enrollment (i.e., they do not say anything that could be interpreted as

discriminating against students with a disability), the school will be notified of the call and that no issues were identified.

- If school personnel provides an answer that is perceived to communicate a barrier to open enrollment, a second call will be made on another date to assess whether the first answer was an anomaly or symptomatic of a systemic problem.
 - If the second call elicits a response similar to the first, a SPCSA staff member will contact the school to communicate their responsibilities to serve all students, offer training to the school, and make subsequent calls in order to monitor progress at the school.
- In future years, the SPCSA may also use email to monitor enrollment. However, this year, all monitoring will be conducted by phone.

Inspired by the term “mystery shopper” used in retail operations, we refer to this enrollment monitoring and support initiative the “mystery parent program.” We expect this process to improve schools’ intentionality about welcoming and connecting with parents of children with disabilities in appropriate and legal ways. In addition, this process will help to ensure that schools are in full compliance with NR 388A.453.

Statutory References:

United States Department of Education – Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter School under the Individuals with Disabilities Education Act: https://sites.ed.gov/idea/files/policy_speced_guid_idea_memosdcltrs_fa-ideacharter-school.pdf

NRS 388A.453: <https://www.leg.state.nv.us/nrs/NRS-388A.html#NRS388ASec453>

1. An application for enrollment in a charter school may be submitted annually to the governing body of the charter school by the parent or legal guardian of any child who resides in this State
2. Except as otherwise provided in subsections 1 to 5, inclusive, NRS 388A.336, subsections 1 and 2 of NRS 388A.456, and any applicable federal law, including, without limitation, 42 U.S.C. §§ 11301 et seq., a charter school shall enroll pupils who are eligible for enrollment in the order in which the applications are received
3. If the board of trustees of the school district in which the charter school is located has established zones of attendance pursuant to NRS 388.040, the charter school shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located.
4. If a charter school is sponsored by the board of trustees of a school district located in a county whose population is 100,000 or more, except for a program of distance education provided by the charter school, the charter school shall enroll pupils who are eligible for enrollment who reside in the school district in which the charter school is located before enrolling pupils who reside outside the school district.

5. Except as otherwise provided in subsections 1 and 2 of NRS 388A.456, if more pupils who are eligible for enrollment apply for enrollment in the charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to subsections 1 to 4, inclusive, on the basis of a lottery system.
 6. Except as otherwise provided in subsection 8, a charter school shall not accept applications for enrollment in the charter school or otherwise discriminate based on the: (a) Race; (b) Gender; (c) Religion; (d) Ethnicity; (e) Disability; (f) Sexual orientation; or (g) Gender identity or expression, \ of a pupil.
 7. A lottery held pursuant to subsection 5 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.
 8. This section does not preclude the formation of a charter school that is dedicated to provide educational services exclusively to pupils:
 - (a) With disabilities;
 - (b) Who pose such severe disciplinary problems that they warrant a specific educational program, including, without limitation, a charter school specifically designed to serve a single gender that emphasizes personal responsibility and rehabilitation; or
 - (c) Who are at risk or, for a charter school that is eligible to be rated using the alternative performance framework pursuant to subsection 4 of NRS 385A.740, who are described in subparagraphs (1) to (6), inclusive, of paragraph (a) of subsection 3 of NRS 385A.740.
- If more eligible pupils apply for enrollment in such a charter school than the number of spaces which are available, the charter school shall determine which applicants to enroll pursuant to this subsection on the basis of a lottery system.