

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

April 6, 2015

Nevada Department of Education
Conference Room
9890 South Meadows Parkway
Las Vegas, Nevada

And

Nevada Department of Education
700 East 5th Street
Room 2135
Carson City, Nevada

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

In Las Vegas:

Marc Abelman
Robert McCord

In Carson City:

Kathleen Conaboy

Conference Call Line

Melissa Mackedon
Nora Luna
Elissa Wahl

BOARD MEMBERS ABSENT

Member Van

AUTHORITY STAFF PRESENT:

In Las Vegas:

Traci House, Business Process Analyst, State Public Charter School Authority

In Carson City:

Patrick Gavin, Director, State Public Charter School Authority
Jessica Hoban, Administrative Services Officer, State Public Charter School Authority
I know almost all staff were at one of these meetings. Were they at both?

Joan Jurgensen, Education Program Professional, State Public Charter School Authority
Angela Blair, Education Program Professional, State Public Charter School Authority
Kathy Robson, Education Program Professional, State Public Charter School Authority
Katie Higday, Management Analyst, State Public Charter School Authority
Danny Peltier, Administrative Assistant, State Public Charter School Authority

LEGAL STAFF PRESENT:

In Carson City:

Greg Ott Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Michelle Hall
Heidi Arbuckle
Ben Gerheardt
Lee Iglody
Rich Moreno

In Carson City:

Steve Werlein
Donna Wix

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

President Conaboy called the meeting to order at 8:35am with attendance as reflected above.

Agenda Item 1 - Public Comment

No members of the public wished to make a comment.

Agenda Item 2 - Consideration regarding Senate Bills 200, 460, 509 and Assembly Bill 395 and other bills relating to education

Director Gavin spoke about the various bills that were being heard by the legislature that had direct effect on the State Public Charter School Authority. The summary of the bill follows:

The federal No Child Left Behind Act of 2001 requires each state to have a single, statewide system of accountability applicable to all pupils. (20 U.S.C. §§ 6301 et seq.) In 2011, the United States Department of Education made it possible for states to apply to the Department for a waiver of some of the provisions of the Act. In August 2012, the Nevada Department of Education received approval from the United States Department of Education to implement an accountability system for public schools that allows for a waiver from some of the specific provisions of the Act. This approval is conditioned on the Nevada Department of Education tracking the performance of pupils in public schools, including measuring, reporting and supporting the achievement of pupils. Since the approval of the waiver, the Nevada Department of Education has developed the Nevada School Performance Framework for the statewide system of accountability for public schools. (NRS 385.347) Existing law requires the statewide system of accountability to: (1) include a method to rate each public school; (2) include a method to implement consequences, rewards and supports for public schools based upon the ratings; and (3) establish annual measurable objectives and performance targets for public schools. (NRS 385.3594) Section 2 of this bill requires the State Board of Education to adopt regulations that prescribe: (1) an alternative performance framework to evaluate certain schools which serve certain populations; and (2) the manner in which such schools will be included in the statewide system of accountability. Section 3 of this bill requires a public school, including, without limitation, a charter school, that wishes to be rated using the alternative performance framework prescribed by the State Board to request the board of trustees of the school district or sponsor of the charter school, as applicable, to apply to the State Board on behalf of the school for approval to be rated using the alternative performance framework. If approved, section 3 provides that the board of trustees of the school district or the sponsor of a charter school, as applicable, must apply to the State Board on behalf of the school to be rated using the alternative performance framework. Section 3 also prescribes eligibility requirements for a school to be rated using the alternative performance framework. The No Child Left Behind Act of 2001 requires each state to have a single, statewide system of accountability applicable to all pupils, challenging academic content standards and periodic examinations on those challenging academic standards. (20 U.S.C. §§ 6301 et seq.) Existing law establishes certain requirements for the statewide system of accountability for public schools. (NRS 385.3594) Section 3.25 of this bill requires the statewide system of accountability to include a method to provide grants and other financial support, to the extent that money is available from legislative appropriation, to public schools receiving one of the two lowest ratings of performance pursuant to the statewide system of accountability for public schools. Existing law requires the sponsor of a charter school to revoke the written charter or terminate the charter contract of a charter school if the charter school receives three consecutive annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department of Education pursuant to the statewide system of accountability for public schools. (NRS 386.5351) Section 4 of this bill instead requires the sponsor of a charter school to revoke the written charter or terminate the charter contract of a charter school or restart the charter school under a new charter contract if the charter school receives an annual rating established as the lowest possible rating indicating underperformance for any 3 out of 5

years. Section 4 requires the Department to adopt regulations governing procedures for the restart of a charter school under a new charter contract. Section 4 also prohibits the Department from considering a school's annual rating pursuant to the statewide system of accountability based upon the performance of a school for the 2014-2015 school year.

Member Wahl spoke about her testimony regarding SB460. She said she was neutral in her testimony because while she was in support of the Alternative Framework, she had some reservations that were included in the bill. She asked the committee to consider a definition for credit deficient. She said section 4, subsection 2, of SB460 was the main reason she could not fully support the bill. She hoped for more concrete timeframes for when the Authority would need to close a school.

Member Mackedon said during her testimony that she was in support of SB460, but she had a lot of concerns regarding the changes to the auto closure portion of the bill. Chair Conaboy felt that the Authority should retain discretion with regard to closure of charter schools. She said she and Director Gavin had spoken to NDE regarding restarting schools and hoped that could be added to NRS in order to affect change at the school, without disrupting the pupil's lives too severely.

Member McCord felt SB460 was a poorly written bill. He said language in it is inconsistent with the goals of the SPCSA Member Abelman also agreed that section 4 was poorly written. Member Wahl hoped amendments could be provided to tighten up section 4 of SB460.

Member Wahl motioned to strike Section 4, subsection 2 of SB460. There was no second. The motion was not considered.

Chair Conaboy then moved on SB509 and asked Director Gavin to summarize, which follows:
Existing law establishes the State Public Charter School Authority, requires the Authority to appoint a Director and authorizes the Authority to sponsor charter schools. (NRS 386.490-386.515) Sections 10, 12-14 and 18 of this bill change the title of the Director of the Authority to "Executive Director," and section 13 authorizes the Executive Director to pursue other businesses and hold other offices with the approval of the Authority. Section 11 of this bill requires the Authority to consist of persons who are experts on authorizing, developing and operating charter schools. Sections 15 and 16 of this bill revise provisions governing the staff of the Authority. Section 18 of this bill prohibits the Executive Director and the Authority from accepting any gift or donation from a charter management organization, a committee to form a charter school or the governing body of a charter school. Sections 32 and 33 of this bill require the Authority to adopt regulations that prescribe: (1) the process to apply to the Authority to form a charter school, renew a charter contract or amend a written charter or charter contract; (2) the contents of such applications; and (3) the procedure by which such applications will be evaluated. Sections 35, 45 and 46 of this bill revise certain other duties of the Authority. In addition to the Authority, existing law also authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to sponsor a charter school with the approval of the Department of Education. (NRS 386.515) Sections 17, 19 and 20 of this bill provide for a board of trustees of a school district or college or university within the System that sponsors a charter school to enter into certain agreements with the Authority. Sections 19 and 20 also revise the duties of the sponsor of a charter school, including the requirements of the policies and practices that a sponsor is required to adopt. Existing law requires an application to form a charter school to be submitted by a committee to form a charter school. (NRS 386.520, 386.525) Sections 21 and 22 of this bill authorize a charter management organization to apply to form a charter school. Section 2 of this bill defines the term "charter management organization" to mean a nonprofit organization that operates multiple charter schools. Section 21 also revises the required contents of an application to form a charter school. Sections 21 and

36 of this bill authorize a charter management organization to request a waiver of requirements concerning the composition of a governing body. Section 22 revises the manner in which a sponsor is authorized to solicit and review applications to form a charter school. Existing law authorizes the sponsor of a charter school to amend a written charter or charter contract upon the request of the governing body of a charter school. (NRS 386.527) Sections 4 and 53 of this bill require the sponsor of a charter school to hold a public hearing concerning requests to amend a written charter or charter contract to: (1) expand the grade levels served by the charter school; (2) significantly increase or decrease enrollment; (3) acquire additional facilities to expand the enrollment of the charter school; or (4) consolidate the operations of multiple charter schools. Such an amendment may not be made unless approved by the governing board of the sponsor. Sections 5 and 54 of this bill prescribe the circumstances under which the operations of multiple charter schools can be consolidated. For any charter school approved before June 11, 2013, existing law requires the sponsor of the charter school to grant a written charter to the governing body. For any charter school approved on or after that date, existing law requires the sponsor to enter into a charter contract with the governing body. Because all written charters and charter contracts must be for terms of 6 years, all written charters will expire by June 11, 2019. (NRS 386.527) Sections 23 and 24 of this bill authorize a sponsor to require, as a condition of granting a request for an amendment, the replacement of a written charter with a charter contract for the period during which written charters may still be effective. Existing law requires each charter contract to include a performance framework for the charter school. (NRS 386.528) Section 25 of this bill: (1) requires each sponsor to adopt a performance framework and incorporate it in the charter contract; (2) allows a sponsor to aggregate and disaggregate data for reporting and accountability purposes; and (3) authorizes the State Board of Education to adopt regulations requiring a sponsor to aggregate or disaggregate data. Section 26 of this bill revises the contents of an annual report submitted by a sponsor to a governing body. Existing law authorizes a sponsor to revoke a written charter or terminate a charter contract under certain conditions and requires a sponsor to take such action if the charter school demonstrates persistent underachievement. (NRS 386.535, 386.5351) Sections 5 and 27-29 of this bill: (1) authorize a sponsor to reconstitute, under certain circumstances, the governing body of a charter school in such situations; and (2) revise the conditions under which such action is authorized or required. Sections 6, 30 and 31 of this bill authorize the sponsor of a charter school whose written charter has been revoked or whose charter contract has been terminated to recruit a governing body of another charter school to replace the closed charter school with another campus of the other charter school. Sections 6 and 55 of this bill require a pupil who attended a charter school whose written charter has been revoked or whose charter contract has been terminated to be given priority in admission to the replacement charter school under such circumstances. Sections 6 and 57 provide that: (1) if the governing body of a charter school is reconstituted, the new governing body may terminate the employment of any employees of the charter school; and (2) if a written charter is revoked or a charter contract is terminated and a charter school is replaced, the governing body of the replacement charter school is not required to employ any employee of the previous charter school. Sections 52 and 57 of this bill exclude the rights of a governing body to terminate the employment of or refuse to reemploy employees at such schools from the scope of collective bargaining. Sections 34 and 39 of this bill revise requirements concerning services, including transportation, provided by the board of trustees of a school district to pupils at a charter school. Existing law: (1) prohibits a person who has been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude from serving on the governing body of a charter school; and (2) requires a member of a governing body to read and understand certain materials. (NRS 386.549) Section 7 of this bill requires a newly appointed member of a governing body to undergo a criminal background check and prohibits a person who has been convicted of a felony or an offense involving moral turpitude from serving as a member of a governing body. Sections 36 and 37 of this bill require a member of a governing body to receive training under certain circumstances. Sections 40 and 41 of this bill prohibit a contract between a

governing body and a person who assists with the operation, management and provision of educational services at a charter school from containing certain provisions. Section 45 of this bill authorizes a charter school to use higher standards for graduation than those required by the State or a school district in which the charter school is located. Section 46 of this bill requires a charter school to notify the parent of a pupil who is under the age of 18 years before the pupil is suspended or expelled.

Discussion following Director Gavin's summary included questions regarding the moral turpitude language in the bill. Dan Tafoya, Clark County School District, felt it was onerous for charter sponsors to decide whether someone who had been convicted of an offense of moral turpitude would be allowed to serve on the board. He also agreed with Member McCord and Member Wahl that a convicted felon should not be allowed to serve on a charter school board.

Member McCord questioned the weighted lottery in the bill. He recommended that a definition should be added to NRS to clarify exactly what a weighted lottery is, and what it meant. Member McCord asked about the language regarding hiring employees from large school districts, and whether that would limit the pool of prospective applicants. Director Gavin said Member McCord had a good point and would look at striking the descriptive language. Director Gavin and the Board discussed national best practices and their relationships to components of the bill.

Chair Conaboy then asked Director Gavin to proceed to SB200. Director Gavin began a summary, which follows:

Existing law authorizes the formation and operation of charter schools. (NRS 386.490-386.610) Before enrolling children who are otherwise eligible for enrollment, existing law authorizes a charter school to enroll a child if he or she is the child of: (1) an employee of the charter school; (2) a member of the committee to form the charter school; or (3) a member of the governing body of the charter school. (NRS 386.580) This bill authorizes a charter school to give the same preference in enrollment provided to such children to a child of a person who resides on or is employed on a federal military installation if the charter school is located on such property.

Director Gavin explained why this bill was important to the proposed charter school at Nellis Air force Base.

Director Gavin then gave a summary to AB395, which follows:

Under existing law, officers and employees of the Executive Department of the State Government are in either the classified or unclassified service, unless otherwise provided by specific statute. (NRS 284.013, 284.140, 284.150) Under existing law, the State Public Charter School Authority appoints a Director, who is in the unclassified service and who serves a term of 3 years. (NRS 386.511) Section 4 of this bill removes the term of 3 years for the Director and instead provides that the Director serves at the pleasure of the Authority. Existing law also authorizes the Authority to employ such staff as is necessary to carry out its powers and duties, who are in the classified service. (NRS 386.5125) Section 5 of this bill removes the employees of the Authority from the classified service and places them in the unclassified service, and further provides those employees serve at the pleasure of the Director. In addition, section 5 transfers the authority to employ staff from the seven-member Authority to the Director of the Authority. Under existing law, the State Public Charter School Authority is required to sponsor the charter schools in Nevada whose applications it has approved. In addition, if approved by the Department of Education, the board of trustees of a school district and a college or university within the Nevada System of Higher Education are authorized to sponsor charter schools in Nevada. (NRS 386.490-386.649) The Department of Education is authorized under existing law to adopt administrative regulations governing charter schools and is specifically required to adopt regulations governing: (1) the process for submission to a

sponsor of an application to form a charter school, renew a charter contract or request an amendment of a written charter or charter contract, and the contents of the application; and (2) the criteria and type of investigation that must be applied by a sponsor in determining whether to approve such an application. (NRS 386.540) Section 10 of this bill transfers from the Department to the State Public Charter School Authority the duty to adopt regulations governing the process for submission and approval, and the contents of, applications to form, renew a charter contract or request an amendment of a written charter or charter contract for a charter school sponsored by the Authority. With certain exceptions, section 10 also authorizes the Authority to adopt such regulations as necessary to carry out its powers and duties concerning the charter schools that it sponsors. However, under section 16 of this bill, the current regulations of the Department governing all charter schools remain in effect and will be enforced by the Authority with respect to charter schools sponsored by the Authority until the Authority amends those regulations. The Authority will continue to be subject to the regulations adopted by the Department on other matters such as reporting requirements by sponsors of charter schools, including the reporting of information for inclusion in the annual report of accountability. (NRS 385.347) Charter schools sponsored by the Authority will also continue to be subject to any regulations adopted by the Department governing procedures for accounting and budgeting and performance and financial audit.. (NRS 386.540)

Many of the components of SB509 and AB395 were the same. However, AB395 allowed for the SPCSA to be waived from the State Budget Act in order to be freer to recruit and hire employees. The Authority felt the Budget Act was burdensome to the hiring process and eliminated many qualified candidates due to the constraints Central Payroll puts on the application process.

Agenda Item 3 – Next Meeting date

The next meeting of the Authority will be April 20, 2015.

Public Comment

None

Member Abelman moved for adjournment. Member Luna seconded. The motion carried unanimously.

The meeting adjourned at 11:43 am