

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

April 25, 2014

Grant Sawyer Building
Room 4412
555 East Washington Ave.
Las Vegas, Nevada

And

Legislative Building
401 South Carson Street
Room 2135
Carson City, Nevada

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

In Las Vegas:

Kathleen Conaboy
Michael Van
Melissa Mackedon
Elissa Wahl
Marc Abelman
Nora Luna

In Carson City

None

BOARD MEMBERS ABSENT

Robert McCord

AUTHORITY STAFF PRESENT:

In Las Vegas:

Tom McCormack, Interim Director, State Public Charter School Authority
Traci House, Business Process Analyst, State Public Charter School Authority
Allyson Kellogg, Management Analyst, State Public Charter School Authority

In Carson City:

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
Adrienne Lawrence, Administrative Services Officer, State Public Charter School Authority
Katherine Rohrer PhD, Education Program Professional, Nevada Department of Education

Danny Peltier, Administrative Assistant, State Public Charter School Authority

LEGAL STAFF PRESENT:

In Las Vegas:

Shane Chesney, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Susan Waters

Travis Cherry

Sharon Frederick

William Carrico

Kelli Miller

Deb Roberson

Jeff Blanck

Bryon Richardson

Dan Tafoya

Tim Lorenz

Lauren Tevis

Anita Tibbs'

Melissa Hester

Janelle Veith

Terri Barber

Cortney Sobrero

Mahina Gago

Tiera Ashley

Nick Sarisahl

Ryan Reeves

John Hawk

Ercan Aydogdu

Reggi Burch

Kelly Guenther

Ryan Abrilla

Jackson Plaisted

Jake Raymond

Russell Raymond

John Blumer

Philip Vaughn

Jimon Cuna

Amy Cardinali

Victoria Huene

Ami Vaughn

Eva Trujillo

Jade Primaky

Miranda Brown

Awet Abraha

Alexia Crowley

Elisabeth St. James

Alexandria Matsis

Charlene Brown
Kenneth Demick

In Carson City:
Donna Wix

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

President Conaboy called the meeting to order at 9:05am with attendance as reflected above.

Chair Conaboy asked for a motion for a flexible agenda.

Member McCord moved for a flexible agenda. Member Abelman seconded. The motion carried unanimously.

Agenda Item 1 - Public Comment

The meeting began with Chair Conaboy calling on members of the public for comment regarding items on the agenda. Reggi Burch, Kelly Guenther, Ryan Abrilla, Jackson Plaisted, Jake Raymond, Russell Raymond, John Blumer, Philip Vaughn, Jimon Cuna, Amy Cardinali, Victoria Huene, Ami Vaughn, Eva Trujillo, Jade Primaky, Miranda Brown, Awet Abraha, Alexia Crowley, Elisabeth St. James, Alexandria Matsis, Charlene Brown, Kenneth Demick, and John Matsis all spoke in support of Beacon Academy Charter School.

Agenda Item 2 - Approval of March 4 SPCSA Meeting Minutes

Chair Conaboy asked if there were any edits for the minutes. No members had any edits.

Member Van moved for approval of the March 4 minutes. Member Abelman seconded. The motion was unanimous.

Agenda Item 3 – Authority Update

Chair Conaboy gave an update regarding the Executive Director search for the SPCSA. She said that 36 applications had been received and that pool had been narrowed down to three who would be interviewed at a public meeting on May 6. She also explained that she had a conference call with SPCSA staff to begin discussing statute changes and Bill Draft Requests for the 2015 Legislative session. She asked all board members to think about any statutes they would like to see revised and to send them to her so she could compile a list.

Chair Conaboy then asked Member Mackedon to speak about the National Alliance of Public Charter Schools Conference being held in Las Vegas on June 29 till July 2. Member Mackedon explained the conference and said it would be a great opportunity for the SPCSA to contribute to this national conference. She said that the Charter School Association of Nevada would also be in attendance.

Agenda Item 4 – Interim Director's Report

Interim Director McCormack started off by explaining that staff had finished conducting interviews to replace Katherine Rohrer who left for the Nevada Department of Education earlier in the month. He said that they had interviewed 5 qualified candidates and that staff was looking forward to introducing the new employee at the next SPCSA board meeting.

Interim Director McCormack also spoke about the work that was being done between the Legislative Council Bureau and the SPCSA with regard to regulations changes in the Nevada Administrative Code. He said that the proposals would be heard by the State Board of Education in the coming weeks.

Interim Director McCormack also spoke about the charter applicant training staff held for prospective charter school applicants. Trainings were held in Carson City and Las Vegas and the turnout was good. The new charter application, 2014 Call for Quality Charter Schools, would be uploaded to the SPCSA's website and would be available to public. The application window for charter schools hoping to open in the fall of 2015 would be August 27 – 29 2014.

Agenda Item 6 – Report on and possible consideration of Coral Academy’s proposed purchase of real property

Allyson Kellogg explained that Coral Academy of Las Vegas (Coral) had come to the SPCSA for approval of the proposed purchase of real property. The school is a four-star quality school and currently operates three campuses in Clark County. Ms. Kellogg said with the approval of the property purchase it could save Coral between \$1,000 and \$2,000 per month. She said that SPCSA staff had reviewed the proposal and found no problems with it. With that information being said, Ms. Kellogg explained that SPCSA staff was recommending approval of the proposal by the Authority Board.

Chair Conaboy asked if anyone from Coral would be willing to speak about the proposal Christine Cadman, Coral, explained the process that Coral had undertaken in purchasing the property. Ercan Aydoggu, Executive Director of Coral Academy, also explained the need of the property and how it would help Coral expand its quality school to more pupils in Clark County.

Member Mackedon moved for approval of Coral Academy of Las Vegas’ proposal for purchasing real property. Member Van seconded. The motion was unanimous.

Agenda Item 5 – Consideration of charter contract application resubmission from Beacon Academy

Interim Director McCormack read from prepared comments to the board, which can be seen below:

At the March 4, 2014, meeting of the SPCSA, in a 5-1 vote, the Authority denied Beacon Academy of Nevada’s application for a charter contract. Subsequent to the denial, the Authority gave Beacon an opportunity to revise and resubmit its application for reconsideration by the Authority at today’s meeting. Authority staff has reviewed the resubmitted application. Nothing in it persuades or compels staff to change its recommendation for denial. The recommendation remains for denial of the application for a charter contract in full recognition of the fact that such denial would result in the school’s closure upon the expiration of the school’s written charter.

I’d like to provide a timeline of events leading to agenda item 5 of today’s meeting:

- Beacon’s written charter expires June 13, 2014.
- September 16, 2013, Beacon was sent a Notice of Concern due to academic underperformance from the Authority.
- September 24, 2013, Beacon was sent guidance regarding the AB 205 process for application for a charter contract.
- January 13, 2014, Beacon submitted an application for a charter contract.
- March 4, 2014, the Authority Board voted 5-1 to deny Beacon’s application for a charter contract.
- March 6, 2014, the Authority sent a letter to Beacon informing it of an opportunity to revise its application and resubmit it within 30 days for reconsideration by the Authority Board.
- March 14, 2014, Authority staff met with Beacon staff and representatives in Carson City to discuss the opportunity to revise and resubmit the application.
- April 7, 2014, Beacon submitted a revised application to the Authority.

This concludes my presentation of the timeline.

The resubmitted application contains a number of misreading’s of statute and misstatements of the processes that prescribe a school’s transition from a written charter to a charter contract. Beacon currently has a written charter, defined in NAC 386.050; Pursuant to Section 20 of AB 205 it has applied for charter contract, which is defined in NRS 386.492 and 386.527.

My comments regarding Beacon’s misreading’s and misstatements are included in the board support documents for today’s meeting. Please see pages 19-31.

I'll refrain from reading my comments to you, but please note my main points are that:

1. Beacon is not applying for **renewal** of anything—written charters are no longer renewed, under law—Beacon is applying for a charter contract; and pursuant to AB 205, a charter school sponsor must consider the performance of a charter school during the term of the written charter in determining whether to approve or deny the application.
2. An **application to form a charter school**, which is what NRS 386.525 addresses, differs significantly from an AB 205 **application for a charter contract**. An application to form a charter school consists of well over a hundred questions and information requests. An application for a charter contract consists of three questions. The Authority directed Beacon to respond to the three questions required by AB 205, and Beacon did so. They did not submit an application to form a charter school.
3. NRS 386.530 addresses **renewal of a charter contract**. Beacon doesn't have a charter contract, it has a written charter. Therefore, NRS 386.530 does not apply to Beacon.
4. Charter schools are and always have been subject to the state's academic accountability system. They have a responsibility to know their status per that system, and respond to findings of poor performance by improving instruction. Beacon has repeatedly over the years produced poor academic results, and has apparently been unable or unwilling to improve instruction in a way that would produce **acceptable** results.
5. The Authority's March 4 denial of Beacon's application for a charter contract was just that: denial of an application. It was neither a revocation of its written charter, nor a termination of a charter contract. NRS 386.5351, cited by Beacon in its application resubmission, doesn't apply.

Having identified and discussed examples of the application's mistakes, misrepresentations and misleading statements, I'll add that Beacon's allegations of Authority missteps are no more than an attempt to divert attention from the school's unacceptably poor academic performance over the past five years. Regardless of any other considerations, the school has been failing for five years, cannot blame the Authority for its failure, and should not be allowed to continue operation.

After Interim Director McCormack finished his presentation he asked Katherine Rohrer to continue with her testimony. Dr. Rohrer began by referencing the One Million Lives Campaign that is currently being led by the National Association of Charter School Authorizers. She referenced it because their mission is to ensure that children attend quality charter schools. With that being said, she asked the Authority if academic performance of Beacon Academy was high enough to continue their charter. Dr. Rohrer then continued with data that had been accumulated by the Nevada Department of Education including graduation rates, annual yearly progress, and other proficiency data. She also explained the models that Beacon Academy was measured under during the first 5 years of their charter. She said before the Nevada School Performance Framework was started, Beacon was measured under the Annual Yearly Progress through the No Child Left Behind act.

Member Luna asked Dr. Rohrer what had been done over the previous years by the SPCSA staff to provide technical assistance to Beacon Academy. Dr. Rohrer explained that there is a fine line between providing technical assistance and overstepping the autonomy the charter school is allowed defined in Nevada Revised Statutes. She said that each school is trained to read the data that is distributed by the NDE and they have many opportunities to request time with specific SPCSA staff members to further explain any issues that have led to confusion.

Member Wahl asked about the definition of "at-risk" schools that were being created by the Legislative Committee of Education and how Beacon Academy aligned with that definition. Dr. Rohrer said that as of this meeting, Beacon would not be considered an "at-risk" school under the definition that is currently being created.

Upon the completion of Dr. Rohrer's testimony Chair Conaboy asked that representatives from Beacon Academy speak before the Authority. Susan Waters, principal of Beacon, spoke along with John Karas, instructional services administrator and Travis Cherry, Beacon's student data administrator. Ms. Waters started by thanking those who had spoken in support of Beacon and reiterated the positive statements made during public comment. She also accepted some of the findings regarding Beacon's academic performance, but she said the new data for 2013-2014 school year, while unfiltered would show vast improvements made by Beacon Academy.

John Karas then spoke about the ratings Beacon had reviewed during the previous five years. He said the SPCSA changed the measurements being used from the Annual Yearly Progress to the Nevada School Performance Framework was even approved by the Secretary of Education, Arne Duncan. He said the measurement that should have been used to determine Beacon's performance during the 2011-2012 year was the AYP measurement, which showed Beacon had made adequate yearly progress.

Chair Conaboy then asked Mr. Karas what help Beacon had applied for from the SPCSA, which subsequently was denied. He said Beacon had asked what it needed to do to correct the record during their resubmission. He said they were told by the SPCSA that it was for them to figure out. Chair Conaboy asked if he felt that this was a denial of help by the SPCSA staff. He said yes it was, to which she replied that Beacon had been given their academic progress over the past five years and shown that it had shortcomings, which were out of the control of the SPCSA staff to assist with. That was part of the autonomy allowed for charter schools under NRS.

Travis Cherry then spoke about the data the school had brought for their presentation. Mr. Cherry began by explaining that SPCSA staff had recommended to them that they run the 2014 data in order to come up with some preliminary calculations. Chair Conaboy clarified that this data was not audited by the NDE, which Mr. Cherry agreed with. Mr. Cherry then went on to explain the new proficiency data that had been calculated and said that it would be showing great improvements for Beacon's 10th and 11th graders. Chair Conaboy asked what they thought their projected graduation rate would be and Mr. Cherry said it would be around 44 percent.

Member Mackedon asked why there were so few Special Education and Free and Reduced Lunch students considering Beacon's claim that they are an "at-risk" school. Mr. Cherry said this was caused because students need to be enrolled in the school for multiple years in order to be counted and much of Beacon's population has not been enrolled for the necessary time. The Authority and Mr. Cherry continued their discussion regarding graduation rates for Beacon Academy.

The Authority and members of Beacon's team discussed what Beacon considered credit deficiency in their analysis of the data. Ms. Waters said 66 percent of students who enroll at Beacon are credit deficient. She said credit deficient means that any pupil lacking the credits which they should already have earned are considered credit deficient by Beacon. She said the majority who are credit defiance are juniors who are one, or more, years behind. She said that measure is not considered in the Nevada Performance framework and it impacts Beacon negatively in their statewide ratings.

Chair Conaboy said she appreciated Ms. Waters answer, but she was still unclear whether the credit deficient students were one credit deficient or 15 credits deficient and since it is a self-reported number the definition would be helpful to gauge Beacon's full pupil makeup. Chair Conaboy also asked if Beacon's number of credit deficient students is higher than other schools. Ms. Waters said she doesn't know for sure if it is or not, but her conversations with other school administrators leads her to believe that Beacon enrolls a higher number of credit deficient pupils than other schools.

Chair Conaboy asked Dr. Rohrer to address the credit deficiency and how SPCSA staff looks at that data. Dr. Rohrer said it was difficult for the SPCSA to quantify the data because there was not a definition of what credit

deficiency was. When compiling the data to create the ratings if there wasn't a definition then it could not be included in the state's data rating. Mr. Cherry finished his presentation and said the data that had been analyzed by Beacon staff show that next year the school would be rated as two stars.

Mr. Karas explained the improvements that had been seen at Beacon over the course of the previous year. He said that proficiency scores had increased, credit deficient students were able to graduate with their class, and the school itself was doing a better job working with their partners in the mentoring program they had executed with pupils. He said the school was an ASVAB testing location which aligned with Nevada's college and career readiness standards. He said that the Nevada School Performance Framework scores were up over 20 points from 2012 and 2013. He said they would have liked to reach the 50 point level so they could be rated as a 3-star school, but they would continue to work to strive for that goal. Mr. Karas also added that the school would be implementing map testing, increasing their credit recovery program, and increasing their use of Study Island (an educational software program) over the course of the 2014-2015 school year. He said they would be increasing professional development for their staff members and focusing more on better teaching techniques for pupils in an online environment.

Chair Conaboy asked why professional development had not had a greater role over the previous five years and how the relationship with teachers doing course development work on outside contracts works at the school. Mr. Karas said teachers work on course development during hours which they are not teaching, and other teachers vet the work that has been completed by the developers. Mr. Karas finished his testimony by asking the Authority why a school such as Nevada Virtual would be approved for a new charter contract over a school such as theirs.

Jeff Blanck, attorney for Beacon, spoke next. He said that what the Authority was trying to accomplish was fundamentally against what was written in NRS. He said that SPCSA staff was incorrectly interpreting AB 205 since Dr. Canavero had left his position as the director of the SPCSA. Mr. Blanck and Chair Conaboy then debated the idea of whether Beacon currently had a charter contract or a written agreement. Prior to AB205 charter schools signed a written agreement after the charter was approved, but since the passage of AB205, charter schools would be required to enter into charter contract. Mr. Blanck said the written agreement should still be considered a contract and the idea that the written agreement and the contract are not the same was incorrect.

Mr. Blanck and the Authority continued to discuss the interpretation of AB205. Mr. Blanck also discussed the term at-risk and how it does apply when considering Beacon. Member Wahl said that just because a school is considered at-risk does not mean those pupils deserve less of an education. Member Wahl added that the school as defined in law does not meet at-risk status and for it to claim that is not honest to the true needs of at-risk pupils.

William Carrico, Beacon governing board president, finished Beacon's presentation by speaking about education in Nevada and how it is the responsibility of all the people involved in this decision to remember that. He said the pupils that attend Beacon deserve to be able to make that choice and it would be a shame if the school was not given a contract and these pupils would have to look for other educational opportunities.

Member Van Motioned to Approve Beacon Academy's (Beacon) application for a charter contract with the following provisions:

- 1. This approval includes a formal notice to the Governing Body (Board) of Beacon Academy that the school's academic performance, including its graduation and attrition rates, are significantly below the State Public Charter School Authority's (SPCSA) expectations.**

2. In consideration of Beacon's academic underperformance, Beacon's student enrollment for school year 2014-15 shall not exceed the school's 2013-14 enrollment. For this purpose, the school year 2013-14 enrollment number used by the Nevada Department of Education for funding Beacon shall apply.
3. High stakes reviews of Beacon's performance, against the SPCSA's expectations, shall be conducted by SPCSA staff. Findings and recommendations shall be presented to the SPCSA Board that may include contract termination due to persistent underperformance or material breach of the terms and conditions of the charter contract, or a return to good standing. The review and recommendations shall be presented to the SPCSA Board in fall, 2015, at which point Beacon must demonstrate substantial progress towards meeting the SPCSA's academic performance expectations. "Substantial progress" will be based on the school's aggregate academic performance based on the Authority's academic indicators that will result in closing the gap between baseline (School year 2012-13) performance and "Adequate" as described in the SPCSA's Performance Framework within two years.
4. Beacon shall not qualify student enrollment only to those who can develop a graduation plan that exits them from high school in no more than the fifth year. Beacon shall enroll pupils in the order in which applications are received and shall not in any way exclude pupils who are credit deficient from enrollment in the school. Beacon shall not remove, withdraw, suspend or expel a pupil against a parent's or guardian's wishes for reasons other than the reasons for suspension or expulsion stated in NRS 392.4655-392.4675 or other applicable statute or regulation.
5. Nothing in the SPCSA's approval of Beacon's contract application precludes the SPCSA from exercising all options available to it, including, without limitation, termination of the charter contract pursuant to NRS 386.535, prior to or after fall, 2015.
6. Beacon shall provide by June 1, 2014, written assurance that it has thoroughly described the use of the Reno facility to building, fire, health, safety and asbestos authorities to enable these authorities to determine what types of inspections and approval are required for the facility."

Member Abelman seconded. Discussion followed.

Member Van said he was uncomfortable with the results of the school, but felt compelled to let Beacon continue its mission because of the overwhelming turnout of support seen by the Authority at the meeting. Member Mackedon added that she was uncomfortable with the motion because it left quite a bit of wiggle room for Beacon Academy when they high stakes review comes up in three years. She said the progress Beacon must make must be clearly defined so there will be no doubt in three years whether or not they made the progress. Chair Conaboy then read from a letter by Dr. Canavero that explained how Coral Academy would be found to be in good standing after the high stakes review is completed. She asked for the letter to be read directly into the record:

"To return to good standing, Beacon Academy must obtain the designation of approaches or above on the authority academic framework plus receive a three star rating or above on the Nevada School Performance framework for the 2013-2014 school year. If the concern is not remedied in the time allotted, Beacon will enter level two, which is notice of breach of contract. Failure to meet requirements specified in those requirements specified by the authority will result in entry to level three with an intent to revoke for persistent underperformance."

The vote was 5 – 1 in favor of the motion. Member Mackedon voted nay.

Agenda Item 7 – Member Comment

Member Wahl said that she felt it was important with the counterparts in Washington and other groups who are interested in charter schools. She also added that she felt it was important to work with the districts and offer any resources that are available to them to help foster a good working relationship throughout the state. Heidi Arbuckle, CCSD office of charter schools, said that it would not be feasible for the training type endeavors to be done with the SPCSA because often times each entity was doing things differently.

Member Mackedon asked Lauren Tevis, CSAN executive director, to add any other group trainings that could be shared by all relevant groups. She said that CSAN has been working to offer trainings for Common Core math, governance, and bonding which all schools would be more than welcome to attend.

Agenda Item 8 – Public Comment

Elizabeth Dixon spoke in favor of the Authority's decision to give Beacon Academy a Charter contract.

Philip Vaughn spoke about the need for a better definition of at-risk students in Nevada so that schools could better serve that population.

Felisa Huene also spoke about her support of the Authority's decision regarding Beacon's charter contract and she agreed with Mr. Vaughn that a better working definition of at-risk should be made.

Member Ableman moved for adjournment. Member Van seconded. The vote was unanimous.

The meeting adjourned at 1:03 pm.