

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

August 24, 2015

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

And

Legislature
401 South Carson Street
Room 2135
Carson City, Nevada

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

In Las Vegas:

Kathleen Conaboy
Robert McCord
Adam Johnson
Melissa Mackedon
Elissa Wahl
Marc Abelman

In Carson City:

None

BOARD MEMBERS ABSENT

AUTHORITY STAFF PRESENT:

In Las Vegas:

Patrick Gavin, Director, State Public Charter School Authority
Joan Jurgensen, Education Program Professional, State Public Charter School Authority
Nya Berry, Education Programs Professional, State Public Charter School Authority
Traci House, Business Process Analyst, State Public Charter School Authority

In Carson City:

Jessica Hoban, Administrative Services Officer, 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:

Attendance Sheet Attached

In Carson City:

Attendance Sheet Attached

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.

Member McCord asked for a motion for a flexible agenda. Chair Conaboy agreed and called for a motion for a flexible agenda. Member Van motioned for flexible agenda, Member McCord seconded. There was no further discussion. The motion carried unanimously.

Chair Conaboy introduced the newest member to the SPCSA Board, Adam Johnson, who was nominated by the Charter School Association of Nevada and replaced Michael Van.

Agenda Item 1 – Public Comment

Deb Roberson spoke about an article that ran in the Las Vegas Review Journal. She said she felt the SPCSA should continue to strive for strong governance and accountability for the schools it sponsors. She asked the Authority to consider the opportunity for Quest Academy to undergo additional training in these areas to ensure their school's success.

Caroline McIntosh thanked the Authority for its continued support. She also spoke about the recent graduation Nevada Virtual Academy recently held.

John Hawk, COO of Nevada State High School, spoke about item 5 on the agenda regarding early renewal. He spoke about the success of NSHS and its increased enrollment of lower income students. He also added a letter in support of early renewal from their board president to the record.

Jamie Winters, representative of Nevada Connections Academy, spoke about NCA and the work they were doing to serve under privileged and credit deficient students. She said the data that is being measured by the state is not properly measuring these results and it is negatively impacting the ratings of NCA. She said NCA looks forward to working with the Nevada Department of Education and the SPCSA staff to find a better way to measure these data points so schools aren't negatively impacted when they are reaching out to credit deficient students.

Agenda Item 2 - Approval of July 13, 2015 SPCSA Board Meeting Minutes

Chair Conaboy asked for a motion for approval. Member Mackedon seconded. Member Abelman seconded. Member Luna said she had sent her edits to Mr. Peltier. The motion carried unanimously.

Agenda Item 3 – Authority Update

Chair Conaboy introduced Adam Johnson. She said he work with Teacher for America and will bring substantial knowledge to the Authority. Chair Conaboy said Member Mackedon and Member McCord had been reappointed for second terms.

Chair Conaboy asked everyone to visit NDE's Legislative webpage, which had all of the bills that had passed that affected education in Nevada.

She spoke about the upcoming principals meeting between Authority staff and the charter schools they sponsors. She invited all of the schools to attend if their schedules allowed. She added the Legislative Committee on Education would be chaired by Melissa Woodbury and said topics mentioned in the principal's meeting may be worthy of bringing to LCE.

Chair Conaboy also spoke about transgender students' policy and had reached out to Dotty Merrill with the Nevada Association of School Superintendents and Senator Reid's office.

Agenda Item 4 – Director's Report

Director Gavin began by reminding the Authority there would be elections for offices for the Authority board at the next SPCSA board meeting since the majority of reappointments had been made. He also informed the board about the student projections for the 15-16 school year. He said there would be approximately 23,000 students enrolled in state-sponsored charter schools. He said the student population meant the SPCSA oversees 175 million dollars in state and federal funding.

He said staff would begin posting the three new positions that were approved in the 2015 legislative session. He said he hoped to have the positions open for recruitment at the beginning of October. He said there would be a deputy director, an accountant II, and an accounting assistant that would be open for recruitment.

Chair Conaboy asked Director Gavin to discuss the student data questions that had come up during the July SPCSA board meeting. He said staff was working with NDE and Infinite Campus to pilot the division of the student data information into smaller units. He said this would give the schools more flexibility and autonomy when it came to how they collected their student data.

He said staff was expecting up to 10 applications for the fall application cycle based on the number of letters of intent that had been received thus far.

Chair Conaboy also asked for Director Gavin to give an update on how the schools would have access to new revenue funds that had been approved during the past session. He said each revenue stream is different and how money is funded differs with each program. He said some of the funds would be allocated similar to federal grants and other funding sources would be based on student counts and would be fully implemented over a two year period. He said Special Education funds would be allocated on the model used prior to the 2015 legislative session but would transition to a different formula over the next biennium. He said he hoped this would create more equity with Special Education funding between district schools and state-sponsored charter schools. He said the new formulas would be weighted to consider the vast differences of the children attending schools across the state and the vast differences of the locations in which those students attend.

Agenda Item 5 - Criteria for High Stakes Review of Charter Contracts and Criteria for Closure, Reconstitution, or Restart of a Charter School

Director Gavin began by saying this would be the initial discussion regarding these topics and did not expect the board to take a vote at this meeting. He said staff had been wrestling with these topics and how the Authority would like staff to proceed. Director Gavin said the legislature passed several bills this session impacting charter school accountability, including SB509 and SB460. SB509 provides that the Authority must establish policies and regulation related to charter school renewal and the evaluation of the performance of charter schools. It also provides that the Department may adopt additional regulations related to academic performance criteria which would include charter schools. As neither the Department nor the State Board has yet adopted regulations or policy in this area, it is important to note that subsequent action by those bodies may impact the criteria adopted by the SPCSA. Schools should be advised that the Authority will be obligated to consider any such additional criteria and may need to supplement or modify the criteria adopted pursuant to this recommendation based on subsequent action by other bodies.

SB460 provides for an accountability framework for alternative schools. This statute provides for the state board to adopt a different methodology to evaluate the performance of schools with a specific mission to serve particular categories of at-risk students. For such schools, the state board may approve accountability measurements beyond those currently reflected in the statewide system of accountability for public schools (NSPF/Star System). While the bill does not impact the responsibility of authorizers to adopt a separate performance framework for charter schools above and beyond the NSPF/Star System, it is likely that any change in the state accountability framework for alternative schools will impact the source data required to generate a charter school performance framework. As neither the Department nor the State Board has yet adopted regulations or policy in this area, it is important to note that subsequent action by those bodies may impact the criteria adopted by the SPCSA. Schools should be advised that the Authority will be obligated to consider any such additional criteria and may need to supplement or modify the criteria adopted pursuant to this recommendation based on subsequent action by other bodies.

SB509 and SB460 provide for additional accountability actions by authorizers due to academic, organizational, or financial performance issues:

Non-Renewal: The authorizer decision to end a written charter or charter contract at the end of a six year charter term.

Revocation/Termination: The revocation of a written charter or the termination of a charter contract results in the closure of a school and the dissolution of the legal entity.

Restart: a school which has its written charter revoked or its charter contract terminated may be restarted by a sponsor. This permits students to re-enroll in a new school which has no legal ties to the previous school. Burdensome contracts and leases cease to exist.

Reconstitution: The authorizer-imposed restructuring of the governance of a charter school. This may include either the replacement of all or almost all of a board's membership with a new board members or the replacement of the full governing board with the governing board of another school which would operate that school as an additional campus or campuses. Contracts and leases typically continue, except for those which are required to end based on statute or regulation or those a governing board elects to terminate in accordance with the terms. If the sponsor determines there are multiple high quality operators which are qualified and interested in operating the school, parents may be asked to cast an advisory vote to recommend their preferred operator.

Director Gavin also provided policy proposals to the Board Within some statutory limits, the SPCSA Board has and should retain broad discretion regarding whether to reconstitute or to revoke/terminate a school and then subsequently restart it or not. To inform the SPCSA Board of all appropriate options, ensure that the process is effective at improving the overall performance of Authority schools and that all SPCSA students have access to a high quality public school choice, as defined by state law and the SPCSA performance framework, staff will propose the following policies and processes:

Adopt Policy Codifying SB509 Low-Performing Schools: Pursuant to SB509 (and aligned language in SB92), schools are low-performing if they do not meet any one of a number of academic performance thresholds defined in law and regulation. To ensure alignment with SB509, staff recommends that schools which currently fail to meet any academic performance threshold set forth in statute or regulation be subject to a Notice of Closure under the Authority intervention process and subject to reconstitution or revocation/termination followed by possible restarts early as the 2015-16 academic year.

Contractual Disclosure and Reconstitution Limitation Policy: All schools which are scheduled for renewal or have received Notice of Concern, Breach, or Closure will be required to submit a list of all contracts in excess of \$25,000. The submission will identify the contracting parties, the reason for the contract (including if it is a contract with an EMO), the annual amount, the expiration date of the contract, and any exit or termination clause. Staff recommends that any school which the Authority determines has a management contract which does not comply with the SB509 termination requirement in the event of reconstitution be ineligible for reconstitution.

Policy Providing for Notice of Closure to Trigger Reconstitution RFP Process: To maximize the opportunity for current Nevada schools and out-of-state CMOs to provide a seamless transition for students and families, staff recommends that the SPCSA Board authorize staff to begin a Reconstitution RFP process immediately following a staff determination that a school must be served with a Notice of Closure pursuant to law, regulation, or policy as well as immediately following any Board action to exercise its own authority to serve a school with a Notice of Closure absent staff action, e.g. in the event that the Board votes to revoke or terminates a result of a high stakes review identified in a charter contract. In the event that the policy preventing reconstitution in the case of non-compliant management agreement ultimately precludes reconstitution, SPCSA staff will work with respondents to the RFP to determine if restart under a new lease in the same building or a nearby facility is a viable option which it can recommend to the SPCSA Board.

Policy Providing for Rescission of a Vote to Revoke or Terminate in Favor of Reconstitution with a The Board of a New School or a CMO and for Rescission of a Vote to Reconstitute in Favor of a Vote to Revoke or Terminate: In the event that the SPCSA Board determines that viable, high quality operator is able to take over a school before it ceases operation or in the event that a previously identified operator is unable to follow through on a reconstitution, the SPCSA Board must reserve the right to rescind its previous vote and replace it with the alternate high stakes intervention.

Policy Providing for Expedited Renewal: While significant attention must be paid to those schools in the portfolio which are failing to meet academic, financial, or organizational targets, we also have a number of schools which are performing well in all three domains. The performance framework, approved in 2013, references the opportunity for high achieving schools to request expedited renewal. The resource constraints of the SPCSA have limited the Authority's ability to plan for such an eventuality, but it is important to note that there are multiple schools which currently meet or exceed all the criteria identified in the "Go Decision" column above which will be up for renewal over the next several years. These include Somerset, Oasis, and Nevada State High School. The latter, which is up for renewal this year, has already made inquiries about the possibility of submitting an application for and receiving renewal by the end of the calendar year. Staff strongly recommends that the SPCSA adopt a policy permitting such an expedited renewal review and approval for the highest achieving schools in the portfolio beginning in the 2015-16 academic year.

Member McCord outlined the upcoming actions the board would have to take and recommended the proposals Director Gavin remain as draft proposals. He did caution that time was of the essence and if these proposals weren't finalized in the very near future, the Authority board would have difficulties with the renewal, new applicant, and possible revocations that are down the line. Director Gavin said that he would be taking the feedback he received from the board and placing the item on the September board meeting's agenda. Discussion continued between Director Gavin and the Authority regarding NDE's response to the star rating freeze and how this would affect the schools the SPCSA sponsored. Meetings were scheduled with the SPCSA and NDE regarding the issue and would be discussed in detail at the September board meeting.

Chair Conaboy asked if staff was considering eliminating the intervention letter that currently exists in the performance framework. Director Gavin said that any matters that would cause a charter school to be considered for the Achievement School District (ASD) would automatically place the school in a high stakes review with the SPCSA. He said the intervention letter was not meant to go away, but would be included in other matters that were listed in the framework.

Member McCord asked if there were provisions in Director Gavin's proposals for expedited closure in the event of extreme misconduct by a charter school. Director Gavin said there was language in statute that allowed for an expedited closure, but the school would still have an opportunity for a hearing before the SPCSA Board. Member Abelman commented on the focus on high performing and looked forward to the provisions that would allow those schools to grow. Member Luna asked what the differences would be for the expedited renewal of high performing charter schools as opposed to the normal renewal process. Director Gavin said he hopes high performing schools could send a one page letter to the Authority that states they are a 5 star school with no academic, financial or organizational issues and that they request to be renewed at the next SPCSA Board meeting. Member Mackedon suggested that schools use the school improvement plans as part of their renewal processes. It would be much more clear and concise and would provide a good outline of where the school thinks it is heading. Member McCord added the Authority should also ask the schools who receive the expedited review to consider replication so the success of their school can be shared across the state. Director Gavin agreed with Member McCord and said he would look into the statutes governing replication. Chair Conaboy said another addition to the expedited review would be to ask schools to consider their mission goals and see if those align with the language in their charter contracts.

Agenda Item 6 - Discussion of Nevada Virtual Academy's timeline for the high stakes review based upon their 2013 renewal provisions

Director Gavin began saying the purpose of this item was to clarify the timeline for NVVA with regard to the high stakes review. He asked that the board delay the review until the first quarter of FY16. This would give the school ample time to prepare and allow there to be a better picture of data that would be considered in the review. Chair Conaboy disclosed that she is a representative of K-12 as a government affairs liaison with McDonald Carano Wilson and would not be voting on the item.

Chair Conaboy asked Caroline McIntosh if she would like to add additional comment. Ms. McIntosh agreed it would be best for a better definition of the high stakes review timeline to allow her school to understand what would be expected of them during the review.

Member McCord moved for approval of the SPCSA staff proposal of delaying the high stakes review until the first quarter of FY16. Member Wahl seconded. There was no further discussion. The vote carried unanimously. Chair Conaboy abstained.

Agenda Item 9 - Quest Academy amendment request pursuant to NAC 386.325

Member Abelman recused himself from comment or a vote due to his history with Quest Academy as a parent. Director Gavin began by giving the staff recommendation. Quest Academy was approved by the State Board in July 2008 and opened that fall under a written agreement. It currently operates under a charter contract issued by the SPCSA in 2014. The school is currently in good standing in the academic framework. The school is currently in breach of contract due to organizational performance issues related to serious regulatory violations and is currently the subject of a forensic audit based on serious concerns related to recurring financial mismanagement and ongoing governance irregularities. Due to the concerns raised in its initial review of the school's financial situation, the SPCSA has suspended the issuance of the

school's financial framework for the 2013-14 fiscal year pending the conclusion of the forensic audit. It is anticipated that the forensic audit will be completed early this fall and that staff will make a recommendation to the board regarding sanctions and accountability actions based on the conclusions of that investigation.

Absent SPCSA Board approval of an amendment request to pursue a new or additional facility, Quest pursued and entered into a lease agreement for the Torrey Pines facility and has undertaken improvements and moved assets into the building. This is inconsistent with the process laid out in NAC 386.3265 which contemplates that schools will provide a copy of the proposed lease or acquisition documents as part of the amendment request. Consequently, the school had no authority to enter into this lease agreement until the Authority Board assented to the amendment request. This additional violation of regulation and the charter contract constitutes an additional breach which necessitates SPCSA action.

Recommendation: Approve with Conditions

While the school has now breached its contract on multiple occasions, the timing of this amendment request—following the first day of school on the approved school calendar—and the fact that the school has already entered into a lease and has financial obligations which can only be met if it receives DSA revenue for all pupils enrolled and attending school argue strongly for approval of the amendment request subject to additional conditions. While the Authority has every right to withhold approval of this amendment request, it is important to keep in mind that denial of would likely result in the school becoming insolvent midyear and would force hundreds of children and families to seek a new school with little or no notice. Such an outcome, if avoidable, would be less than ideal for students and their parents.

Due to the ongoing serious regulatory and contractual violations staff recommends that the Board make approval of this amendment request contingent upon the school agreeing to add a contractual provision whereby it agrees to abide by any accountability decision voted upon by the SPCSA board, including termination of the charter contract, reconstitution of the governing board with either new board members or the governing board of another charter school, or the termination of the contract and the restart of the school under a new charter contract with new adults and the same children. The school must further agree that the decision of the Authority board in this matter is binding and cannot be appealed or litigated.

In the event that the school is unwilling to agree to this provision, staff regrettably must recommend that the amendment request be denied. Under this scenario, the SPCSA board would retain the authority to close, reconstitute, or restart the school, but the school might well face insolvency prior to such an accountability action. There are options which would limit, to some degree, the impact on children and families. If necessary, SPCSA staff would notify all Quest families of the insolvency, closure, reconstitution, or restart via the parent notification functionality built into Infinite Campus. Contingent upon SPCSA board approval, Authority staff would also pursue additional options to provide families with a high quality charter school choice using the SPCSA's authority to reconstitute or restart an insolvent school to ensure that Quest students receive enrollment preference at a new school.

In the event that the school agrees to the recommended provision, staff further recommends that the contract be modified consistent with previous board action related to amendment requests. SB509 specifically permits a sponsor to require a holder of a written charter or charter contract that requests an amendment to agree to an amended and restated charter contract as a condition of approving such amendment requests. Consistent with the board's actions related to other schools in the portfolio, staff recommends that the restated contract and performance framework also specifically include the criteria set for in SB509 and other bills defining a low-performing charter or traditional public school and clarifying that a school can be placed into breach of contract or served with notice of closure based on

persistent underperformance. Staff request authority to work with counsel to develop language consistent with this intent and to make technical adjustments as necessary to ensure consistency with current law. Staff further request delegated authority to furnish the approved amendment language to the school and execute the final contract modification on behalf of the Board.

Chair Conaboy then called representatives of Quest Academy to discuss the amendment request. Deb Roberson, Head of School, spoke first. Ms. Roberson said none of the actions taken by Quest Academy were down out of maliciousness. Ms. Roberson spoke about the academic success of the schools and said that Quest does not turn away students as other charter schools have been known to do. She said the concerns that had been brought before the Quest Board by the SPCSA board were being addressed as quickly and succinctly as possible, however, some of those issues will take time to turn around. Jack Feeleum and Jennifer Anlange, members of Quest Academy's governing board then spoke behalf of the school. They both had been recently appointed to the board and had attended few meetings as a member. They spoke about the changes the Quest board had been implementing during the recent months to address the concerns brought up by SPCSA staff. They were implementing more policies and procedures that would create accountability with the financial decisions the school makes.

Member Johnson asked about the systemic issues that had gone on under previous Quest Boards. Mr. Feelum spoke about the problems with nepotism that had infected the board along with some of the financial mismanagement of members of previous boards. He agreed that these types of issues were unacceptable for a school receiving public dollars. Tracy Truman, attorney for Quest Academy, spoke about some of the legal issues the school was dealing with. He hoped to clarify how far back the Authority would like to go with respect to the financial mismanagement at the school. Some of the issues went three years back and most individuals currently associated with Quest Academy as staff and board members were not present during that time. He said the changes in the boards leadership has shown promise and the members have both experience and passion and want to use that to help the school succeed. He said the board has been addressing the nepotism problems as best as they could.

Member McCord asked how the Montecito lease situation had evolved. Mr. Truman said the school had communicated a desire to extend their lease for an additional year with Imagine Schools. Imagine Schools declined the option and the lease terminated June 30, 2015. Mr. Truman said they had great difficulty in getting responses from Imagine Schools regarding the lease extension and did not have a final answer until Imagine Schools began advertising the new school that would be taking the place of Quest after they moved out. Member Wahl said that while she understood the difficulties with communication she said that was still not an acceptable reason for Quest to ignore the timelines that had been established.

Member Mackedon understood the difficulties with working with the SPCSA timelines. However, she noticed the lease had been uploaded into Epicenter in March without the Quest Board's approval. She thought that was very troubling because the board at Quest should be the final decider in decisions of that magnitude. Director Gavin added these type of facility issues were a recurring problem with Quest. They had to delay opening and starting school last year because of the same type of errors with managing the facility timelines. He said due to that problem last year he had approached the state superintendent to work on regulations to alleviate some of the problems for schools. Even with the changes to regulations, Quest still was unable to follow the facility timelines that had been laid out clearly for them. Chair Conaboy agreed with Director Gavin and said she hoped the board of Quest would look into facilitators that may assist them with meeting the timelines set for by SPCSA staff. Mr. Truman said they would be forming a Compliance Subcommittee on their board in order to ensure the rules and regulations of public bodies were being followed.

Mr. Truman said the major issue the school had with the recommendation by SPCSA staff was the requirement the school waive any opportunity to challenge decisions in court on appeal. Director Gavin said the SPCSA staff had requested the board of Quest hold a joint meeting with the Authority board in order to deliberate the recommendations contained in the report. Member Mackedon asked why this request was not followed through upon Mr. Feelum said he was unaware of the request and there board was scheduled to meet on August 24 to discuss the recommendation report. Director Gavin said the conversation took place between SPCSA staff and Ms. Roberson regarding the joint meeting. Ms. Roberson said there were scheduling issues with the board members that made it impossible for the school to have their full board in attendance.

Chair Conaboy asked the students in audience who were there on behalf of Quest Academy to testify. Ally, spoke in favor of Quest Academy and said she didn't want to have the school close. Gabriel Zeigler spoke in favor of the school and on behalf of the board president. Her father said he hoped the school would remain open so it would remain that way so it could continue to help the kids it serves. William Mackedori spoke in favor of Quest remaining open. He said it was the greatest school he had ever been to. Zachary Zeldaki also spoke in favor of Quest Academy remaining open. Tera Mackedori, parent of Quest Academy, spoke in favor of Quest to remain open and the day-to-day life that made Quest such a great school. She asked the Authority Board to work with Quest's governing board to assist them in getting the financial aspects of the school right. Ally's mother spoke in favor of Quest Academy remaining open and said Quest Academy had done a wonderful job making her daughter feel better about herself and allowed her to catch up on credits that she went behind on at Clark County School District. Greg, a former board member, spoke in favor of keeping Quest Academy open. He said that agreed with the SPCSA staff that Quest's board had fallen apart in the last year. He said he hoped the Authority could recognize the school was making great efforts to reduce the mismanagement of the school and allow them to keep educating children.

Chair Conaboy said the Authority wasn't in a position to fix the Quest Board. She said recommendations would be provided and it would be up to the school to follow through on those recommendations to ensure their good standing with the Authority. She appreciated the families that had come out in support of Quest Academy and hoped those same families would take their passion to the members of Quest's board since they were ultimately responsible for the school's success or failure.

Member Mackedon moved for approval of staff recommendation for Quest Academy's amendment request pursuant to NAC 386.325. Member Johnson seconded. There was no further discussion. The vote was unanimous. Member Abelman abstained.

Agenda Item 8- Mater Academy amendment request pursuant to NAC 386.325

Director Gavin outlined the amendment request by Mater Academy. Mater was approved by the SPCSA Board in January 2014 and opened in the fall of 2014. It currently operates under a charter contract. It has previously received approval to vacate its first incubator facility and occupy a new facility based on authority delegated to SPCSA staff. The school has not received any notices of concern or breach related to its academic, financial, or organizational performance. Results from internal assessments indicate that the school is making academic growth, but it is important to note that absent SBAC data it is impossible to determine what, if any, predictive value the school's commercially available testing system has related to SBAC performance.

As the school has only been in operation since 2014, there is no NSPF (Star System) data to consider in evaluating this request. The SPCSA board has the authority in regulation to grant permission to pursue and occupy an additional facility absent an NSPF ranking. It is important to note that the school is a

replication of a high achieving, intentionally diverse school model which has consistently ranked on the A or B level on Florida's statewide system of school accountability. Moreover, there is recent precedent for granting such requests from schools which replicate a high performing school model absent NSPF data. Pursuant to previously delegated authority, staff approved a request this winter from American Preparatory Academy to pursue and occupy an additional facility. APA is also a replication of a high performing school model from another state. As the school is under the charter contract and performance framework, the SPCSA staff and board also has significant authority and discretion to impose sanctions on Mater Academy should it not live up to the promise evidenced by other schools implementing the same academic model.

Recommendation: Approve with Conditions

The school meets the current criteria for approval for a new facility pursuant to the most recent revisions to NAC. As the school is submitting this request well in advance of executing on a lease or sale, staff requests that the initial approval be granted as a strategic amendment to acquire and operate a facility in the approximate identified area and serving the grade levels and student enrollment identified in the request. Staff further requests delegated authority to grant additional technical amendments and approvals in upon receipt of documentation and other items required under NAC to occupy the building. This approval is consistent with the mechanism the Authority Board uses to permit the incorporation of pre-opening requirements for new schools into the charter contract without the delay and complexity attendant to additional SPCSA Board review.

SB509 specifically permits a sponsor to require a holder of a written charter or charter contract that requests an amendment to agree to an amended and restated charter contract as a condition of approving such amendment requests. Consequently, staff recommends that the Board make approval of this amendment request contingent upon the school executing an amended and restated charter contract which would be effective January 1, 2016 and would remain in effect until June 30, 2020—the end date of the current charter contract. Consistent with the board's actions related to other schools in the portfolio, staff recommends that the contract and performance framework specifically include the criteria set for in SB509 and other bills defining a low-performing charter or traditional public school and clarifying that a school can be placed into breach of contract or served with notice of closure based on persistent underperformance. Staff request authority to work with counsel to develop language consistent with this intent and to make technical adjustments as necessary to ensure consistency with current law. Staff further request delegated authority to furnish the approved amendment language to the school and execute the final contract modification on behalf of the Board.

Chair Conaboy asked about the success of the school and how it was measured since the star ratings had been frozen. Director Gavin said they had received internal measurements from the school and data that had been gathered by the SPCSA has shown the school is providing great support and education to at-risk student populations in Las Vegas.

Shelia Mouton, president of Mater Academy; Renee Fairless, Principal and Robert Anderson, treasurer, spoke on behalf of the Mater Academy. Ms. Moulton spoke about the work her team had done getting Mater Academy ready for students. Mr. Anderson spoke about the successful finances of the school. Ms. Fairless spoke about her history with Mater Academy and how rewarding it had been being the principal of the school. Member McCord disclosed that Ms. Fairless had been a teacher of one of his daughters and he had worked with Ms. Moulton at the Clark County School District, but did not believe the relationships would affect his vote on the agenda item.

Myson Dice, student at Mate Academy, spoke in favor of the amendment request. His father Mr. Dice spoke about the community he had come from and said Mater Academy had done great work cleaning their neighborhood up. The east side of Las Vegas is predominantly Mexican and African American and he was excited that a school wanted to open in their neighborhood. He said it brought the community together in ways he had not seen before. Yolanda Martinez and Rachel Richardson both spoke in favor of the amendment request and reiterated the benefits that had been discussed by everyone before them. Ms. Martinez said the school had helped her son find himself in a way that Clark County schools had not been able to. Member Johnson asked they would ensure the success of the first Mater Academy would be replicated at the second campus. Ms. Fairless said the culture is key to the success of the school By keeping the school size smaller, parents felt like they have more of a connection with the school and the administration.

Member McCord moved for approval of staff recommendation of Mater Academy's amendment request pursuant to NAC 386.325. Member Abelman seconded. There was no further discussion. The motion carried unanimously.

Agenda Item 10 - Consideration of Willie H. Brooks Soar Academy request for an extension of Subsection 7 per NAC 386.240(1)

Director Gavin began with his recommendation report. At the Friday, June 12, 2015 SPCSA Board meeting, the SPCSA Board requested that the governing board of Willie H. Brooks Soar Academy submit into Epicenter evidence that it had met the preopening requirements and statutory and regulatory mandates required of charter school boards, including but not limited to evidence of quarterly board meetings and compliance with Open Meeting Law. Staff furnished the school with access to Epicenter on Monday, June 15, 2015 and has engaged in extensive email correspondence with the school since that time both to provide technical assistance and to address other questions. SPCSA staff has also met face to face with the school's representative to provide additional guidance and clarification. Despite significant technical assistance, the school has been unable to follow required SPCSA submission procedures or timelines. The school has required multiple extensions to submit basic documents and ultimately resorted to emailing documentation to a helpful SPCSA staff member due to the governing board and its designated representative's challenges in utilizing the online document management portal required of all SPCSA schools. This combination of failure to adhere to deadlines and the inability of the school to follow submission procedures has resulted in significant delays in the analysis of evidence furnished by the school. Moreover, this failure to follow established procedures also exposes the school to the risk that some detail may be missed which the school believes is significant but which is not clearly evident to reviewers due to the failure to provide complete and compliant information in the required format.

Based on a review of the Authority's records, Willie H. Brooks Soar Academy was approved by the State Board of Education and issued a subsection 7 charter in 2011. That charter was scheduled to expire on June 30, 2013 and was extended by the SPCSA for an additional year at the request of the school. SPCSA staff reviewed Pre-Opening requirements using the checklist established following the request for extension. Willie H. Brooks Soar Academy provided Board minutes for years 2011, 2012, 2013, 2014, and 2015. The Board minutes document turnover of governing body members across time and multiple instances where the school elected to amend its bylaws to address the fluctuating composition of the board. The instability and lack of commitment of the board evidenced in the minutes raise serious concerns about the depth and breadth of support and mission orientation of the initial governing board and successor board members.

In multiple instances, the school's minutes indicate that the governing board voted to amend elements of the charter, including the number of board members and the proposed starting grade level for the school.

There is no evidence that these amendments were submitted to either NDE or the SPCSA for review and approval either in the form of supporting documentation and exhibits or update agenda items on subsequent board materials.

There are additional discrepancies and omissions which demonstrate a lack of understanding of the importance of maintaining compliant minutes. The minutes submitted do not consistently reflect approval of previous meeting minutes and it is frequently unclear which minutes were approved at a particular meeting. In a number of cases, minutes labeled as draft were included and it is unclear when or if those draft minutes were subsequently reviewed and approved by the governing board. Specifically, the records submitted do not clearly identify which minutes were approved at a particular board meeting. Instead of identifying the specific meeting date in the agenda or minutes, references to minutes approval are either omitted in some agendas or the agenda and minutes simply state that minutes from previous meetings were approved. Moreover, agendas were submitted indicating meetings scheduled to be held, with no subsequent minutes provided to document that the meeting occurred nor the business conducted therein. Finally, based on discussion with the volunteer representative of the governing board, it appears that there are some cases where the minutes supplied which are not labeled as drafts may not be in final form—the representative noted that she needs to go in and make changes to some of the minutes when she has the time to do so. This raises concerns regarding the accuracy and completeness of the minutes which were supplied.

The minutes supplied provide little evidence that the governing board took appropriate action to ensure the timely opening of the school. Willie H. Brooks Soar Academy was not able to provide substantial documentation showing that the board had approved the acquisition of a location for operation in July 2011. While a copy of an email from a state employee to the volunteer representative of the school indicates that there was an NDE/SPCSA staff review of a proposed facility in August of 2011, the board minutes do not reflect review and approval of a lease agreement nor approval of any other elements necessary to meet the facilities pre-opening requirements. Board minutes suggest that while volunteer staff identified a location and that funds were disbursed from an undocumented source for facility improvement, the record is silent regarding any official board action to move forward with such activities. To the degree that such activities did occur, it does not appear that they were conducted following a formal vote by the governing board. Consistent with previous board discussions with volunteer staff, there is some evidence that the volunteer staff briefed the governing body on changes in the enrollment projections, with information indicated a 150 student projection in 2011 and a 50 student projection a year later in 2012. There is no evidence that the board engaged in any oversight or approval of these changes. There is no mention of any board review or approval of such a significant modification to the budget, for example.

Subsequent to the granting of a one-year extension, the SPCSA Board adopted a policy requiring that any holder of a subsection charter or charter contract submit a new charter application in the event that the school did not commence operations within two years of charter approval. The subsection 7 charter expired June 30, 2014 and pursuant to the aforementioned policy, was not renewed by the SPCSA Board.

Recommendation: Deny and Encourage Board to Apply in Winter 2016 Cycle

Staff deeply appreciated the passion and commitment of the Willie H. Brooks Soar Academy board and the dedicated volunteer staff who have continued to advocate on behalf of the school. Based on a review of the documentation furnished by the school's volunteer staff person and an assessment of the track record of the school during the period of its subsection 7 charter, it is not clear that the current board and founding team have sufficient capacity to execute on either the pre-opening requirements necessary to acquire and fully enroll and staff a school or the goals set forth in the charter application. Staff strongly

recommends that the board evaluate their previous application and founding team, research more recent developments in high quality charter school models serving a similar student population, and submit a new application in a future application cycle.

Chair Conaboy asked member so Willie H. Brooks Soar Academy to speak on behalf of the school. Tami Bass, head of school and Tommy Townsend, governing board president spoke for the school. Ms. Bass said she was disappointed with the recommendation of staff. She felt her school had not been treated fairly when they originally submitted an application with the State Board of Education and that there was possible discrimination in the decisions by that body. She said she felt her requests for assistance from the SPCSA staff were not met, which prohibited her from fully meeting the requests of the Authority board. Mr. Townsend agreed with Ms. Bass and said the community would be hurt with the decision by the Authority to not allow them to open their school.

Member Wahl encouraged the members of Willie H. Brooks Soar Academy to resubmit their application with the Authority for a possible 2016 startup. She disagreed with the accusation that racism had anything to do with the decisions made by either the State Board of Education or the Authority board. Member Wahl felt the lack of community support was what made opening the school difficult. She said that if there was more support for the school locally, there would have been no reason to deny its opening in the first place. Chair Conaboy said she hoped the group would rethink the model and how it would work fiscally and resubmit an application during the winter cycle of 2016.

Member Mackedon motioned for approval of staff recommendations to deny the request of Willie H. Brooks for an extension of Subsection 7 per NAC 386.240(1) and encourage the board to resubmit an application during the winter 2016 cycle. Member Wahl seconded. There was no further discussion. The motion passed unanimously.

Agenda Item 7 - School Eligibility for Inclusion in Authority Task Forces

Director Gavin gave the staff recommendation. As a result of legislation passed in 2015, the SPCSA has the authority to adopt a broad range of policies and regulations that impact both agency operations and the operations of our schools. These laws, policies, and regulations provide additional opportunities to hold low-performing schools accountable. At the same time, it will be important to balance accountability for low-performers with potential unintended consequences for our highest performing charter schools. Staff proposes that the SPCSA Board solicit input from school leaders, staff, and board members from the Authority's highest achieving schools in the development and review of policies and regulations which will impact the portfolio. While staff may ultimately make different recommendations and the SPCSA Board will ultimately have the final say on the adoption of policy and regulation, we believe that such input is critical and that both the collective recommendations of high performing schools and staff recommendations should be carefully considered by the Board. Staff recommends the following guiding principles be endorsed to ensure a diversity of voices:

- The right of a school to be heard does not imply the right to prevail
- No school (defined as a charter holder, not a campus) may have more than one representative of any kind (leader/staff/board member) on a task force

These schools have demonstrated a strong commitment to accountability in all domains, including academic, financial, and organizational accountability. We believe we can learn from our best schools and look forward to their input. While staff recommends that these proposed task forces not include either education management organizations or low-performing schools, it is important to note that constituencies which are not included in these advisory groups will still have ample opportunity to voice

their concerns through public comment and informal discussions with included schools and Authority members and staff. He gave examples of some of the issues that may be addressed during the task force. He said the Financial Framework may be an issue that SPCSA staff and schools could look at together in order to better measure the financial viability and security of the charter schools.

Chair Conaboy asked if this policy included all of the schools needed for a robust discussion. She referenced schools two may have a poor rating under the current frameworks, but may be included in the alternative framework being developed by NDE. She said she didn't want those schools to miss their opportunity to have their concerns and suggestions heard. Director Gavin clarified that schools would still have a chance to speak in these meetings, but the EMO would not be included. Member McCord suggested that schools not sponsored by the SPCSA still be invited to be on these taskforces so they could add their knowledge and concerns to the charter community as a whole. Member McCord also added that he would caution having too many requirements of schools for them to be able to be part of the task force because even if a school doesn't have the highest star rating, it doesn't mean that there are not people at the school site who could have valuable feedback for the charter movement as a whole. Director Gavin agreed with Chair Conaboy and Member McCord about the concerns they raised. Member Mackedon asked if the task forces had to all be approved by the Authority Board. Director Gavin said it could go either way depending on the task force and the issues that were being discussed. Member Johnson said he would like to see sustained performance as a measure to be included in the task force.

Chair Conaboy asked Caroline McIntosh, Nevada Virtual Academy, if she would still like to add public comment to this item which she had signed up for earlier in the meeting. Ms. McIntosh said she was delighted with the conversation and looked forward to working with Authority and the schools in the taskforces moving forward. She said she would also recommend adding members of the communities to these task forces to provide an outside look into the needs of charter schools.

Agenda Item 11 - Recommendation regarding NIAA Liaison

Erin Cranor, CCSD Trustee and member of the NIAA board, had been advocating on behalf of the SPCSA Authority to have a member represent charter schools on the NIAA board. It was placed on the agenda by the NIAA for the September 30 NIAA board meeting. Ms. Cranor asked Chair Conaboy to add this item to agenda to determine who would have the appointing authority for an NIAA board member if it was approved at the September 30 meeting. Member Mackedon said this is a pressing issue especially for rural charter high schools. The local districts have been assessing different fees for different students based on the school they attended. She said they were able to make it work this year, but hoped this issue could be resolved as soon as possible to prevent these type of problems from coming up in the future. She suggested that CSAN be the appointing authority because they represent all of the charter schools in the state including both district and state-sponsored,

Member Mackedon moved for the recommendation of CSAN to be the appointing authority for a possible liaison member on the NIAA board pursuant to the NIAA vote at their September 30 board meeting. Member Abelman seconded. Discussion continued

Member Wahl asked how the virtual schools would be considered with regard to the NIAA. Member Mackedon said there are a variety of issues that need to be discussed including, but not limited to, virtual schools.

Upon completion of the discussion, the authority voted unanimously for the recommendation of CSAN to be the appointing authority for a possible liaison member on the NIAA board pursuant to the NIAA vote at their September 30 board meeting.

Agenda Item 12 – Discussion of Board Retreat

Both Chair Conaboy and Director Gavin felt there should be a retreat for the Authority to discuss the myriad of changes that had taken place at the 2015 legislative session and to introduce new board members. Director Gavin said he would look at some dates for the Authority and send them out to the board.

Agenda Item 13 – Discussion of Director Annual Evaluation

Chair Conaboy clarified that this wasn't so much an employee review as it was a review of the director position and how to better align the job duties to the duties that had been identified by charter schools, legislation and national best practices. Member McCord said he has a few resources at West Ed, in which he is a board member, and may be able to assist the agency with respect to the work in education and education policy. He said the group would like to be involved with facilitation and not a direct evaluation of the director. Director Gavin also added that NACSA would be performing an evaluation of the SPCSA's authorizing practice that may shed light on some of the points Chair Conaboy and Member McCord as referenced. HE said having a qualified voice evaluate the SPCSA would not only be helpful for SPCSA staff but also be helpful for the relationship SPCSA staff has with the schools it sponsors.

Agenda Item 14 – Next SPCSA Board Meeting

The next board meeting was scheduled for September 28, 2015.

Agenda Item 15 – Public Comment

Ryan Reeves, Academica, said he looked forward to the creation of the task forces. He asked that EMO's be considered in the task force discussions especially regarding the business side of the charter schools including bonding, financial and facilities. He also said the CSAN conference was also being planned for November and said additional notices would be going out soon.

Agenda Item 16 – Adjournment

Member Abelman moved for adjournment. Member Wahl seconded. There was no further discussion. The motion carried unanimously.

The meeting adjourned at 3:34 pm