

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

August 23, 2013

Nevada Legislature
401 South Carson Street
Carson City, Nevada
Room 2135

And

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

MINUTES OF THE REGULAR MEETING
(Video Conferenced and Teleconferenced)

AUTHORITY MEMBERS PRESENT:

In Las Vegas:

Marc Abelman

Elissa Wahl

In Carson City:

None

Teleconference

Kathleen Conaboy

Melissa Mackedon

Michael Van

Robert McCord

Nora Luna

AUTHORITY MEMBERS ABSENT:

None

AUTHORITY STAFF PRESENT:

In Las Vegas:

Danny Peltier, Administrative Assistant, State Public Charter School Authority

In Carson City:

Steve Canavero, Director, State Public Charter School Authority

Katherine Rohrer, Education Program Professional, State Public Charter School Authority

Tom McCormack, Education Program Professional, State Public Charter School Authority

Angela Blair, Education Program Professional, State Public Charter School Authority

Allyson Kellogg, Management Analyst, State Public Charter School Authority

Katie Higday, Management Analyst, State Public Charter School Authority

LEGAL STAFF PRESENT:

In Las Vegas:

None

In Carson City:

Shane Chesney, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Rich Moreno

Bob Howell

Ryan Reeves

Valerie Blake

Heidi Arbuckle

Joani Williams

In Carson City:

Jennifer Dukek

Steve Werlein

Eugene Paslov

Andrew Diss

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

Chair Conaboy called the meeting to order at 9:00a.m. with attendance as reflected above.

Agenda Item 1 - Public Comment

None

Agenda Item 2 – June 21, 2013 SPCSA Board meeting minutes

There were no comments or corrections regarding the minutes.

Member Luna moved to approve the June 21, 2013 Meeting Minutes. Member Mackedon seconded. The motion carried unanimously.

Agenda Item 3 - Report on the letters of intent received by the Authority as of August 23, 2013 and discussion related to the application review process and timeline

Director Canavero began the meeting by reporting on the letters of intent the Authority had received in response to the 2013 Call For Quality Charter Schools application process. As of August 23, 2013 the Authority received 9 letters of intent from interested applicants. Director Canavero noted that not all letters of intent were followed up with full applications.

Agenda Item 4 - Plan and timeline to transition existing Subsection 7 charter schools to a charter contract

Director Canavero explained the timeline that staff was anticipating converting Subsection 7 charter schools onto the charter contract. He said that staff would begin work over the next two months with the Subsection 7 schools to begin their transition to the charter contract. Staff anticipates bringing those contracts to the Authority Board at the November or January Authority meetings.

Agenda Item 10 - Discussion and possible action on the adoption of the 2013-2014 Special Education Memorandum of Understanding proposed by the Authority

Angela Blair, Education Program Professional, gave an overview of the MOU and what it would be mean to both the SPCSA and the charter schools that it sponsors. A copy of her testimony follows:

“Thank you for letting me speaks to you today so that I can give you an overview of the Memorandum of Understanding Contract that we would like to have between the SPCSA and our charter schools.

1. The Charter Schools’ Special Education Responsibilities are to continue to adhere to the provisions of the Individual with Disabilities Education Act (IDEA) and applicable Nevada Special Education laws and regulations to assure that all students with disabilities are provided a free, appropriate public education (FAPE) including special education and related services.

The Charter Schools will also continue to comply with the applicable requirements of Section 504, the Americans with Disabilities Act (ADA), and all Office of Civil Rights (OCR) mandates for all students enrolled.

2. The SPCSA is required under state law to function as the Local Educational Agency (LEA) for Special Education Programs for our charter schools. The SPCSA will determine the policies and procedures necessary to ensure that the protections of special education law extend to students in our charter schools through a common Special Education Procedures and Policy Manual.

The SPCSA will provide training to our schools’ staffs to ensure clarity with the Special Education Procedures and Policy Manual; Special Education Federal and State Laws; Federal and State Compliance Indicators; Annual reporting documents; Individual Education Plans (IEP) reviews; and any additional training that our schools may need to be in compliance with Federal and State Laws.

The SPCSA, acting as LEA, will compile all annual reporting documents from our charter schools as District 18 and submit to the Department of Education.

The SPCSA acting as LEA will direct the proportionate share of any money available from Federal and State categorical grant programs to our charter schools. This would include Part B funds, District Improvement Grants (DIGs), and Special Education Discretionary Units. The SPCSA will be responsible for these accounts through the Department of Education’s ePage accountability system which includes submitting a thorough spending plan and narrative, requesting monies for individual schools, and record keeping of receipts and documents for auditing purposes.

In conclusion, while developing this Memorandum of Understanding, we focused on balancing the autonomy of our charter schools with Federal and State accountability regulations; Charter School control over budget; and trying to make us fit into a system that never contemplated our presence.”

Members of the Authority discussed the details of the Memorandum of Understanding and asked for some clarification. Chair Conaboy asked about whose responsibility it was to implement the new MOU. Ms. Blair said that it was the SPCSA’s responsibility to assist in rolling out the MOU; however it was still the responsibility of the school to honor their responsibilities in servicing Special Education pupils. She then explained to the Authority how a student with special needs would be put through the continuum of services and the charter school would be responsible for those accommodations.

The Authority and Director Canavero then discussed reserve funds that are planned to be set aside in the case of a due process complaint being brought against a school.

Director Canavero then explained: Upon a parent's request for assessment, the Charter School will convene a meeting to review and discuss the request in light of student records, acquired data and student performance to agree or deny the request for assessment. If the Charter School determines that assessment for special education eligibility is not warranted, prior written notice must be given to the parent/guardian with a clear rationale for such refusal within 15 days of the request. If the Charter School concludes that there are suspected disabilities, the school must develop an assessment plan, utilizing the Authority's assessment process, for each student with suspected disabilities within the 15 day timeline. The assessment plan will describe the types of assessments that may be used to determine the eligibility of students for special education instruction and services. Assessments will be conducted, within legal timelines, after receiving the parents' written consent.

The Charter School shall conduct an IEP team meeting that includes required team members within mandated timelines for each student assessed to discuss results, determine eligibility, and (if eligible) specify special education instruction and services. Consistent with federal and state special education laws and regulations through the IEP process, the IEP team convened at the Charter School will make decisions regarding eligibility, goals, program (including staffing and methodology), placement at the school, and exit from special education.

Dr. Canavero went on to explain the process in the event of a complaint: The Authority will investigate, cooperate with and respond to all special education complaints the Authority receives pertaining to the Charter School. The Charter School will cooperate with the Authority in any such investigations and provide the Authority with any and all documentation that is required to respond to complaints within the timelines imposed by the investigating agency. The Charter School will be solely responsible for any and all costs resulting from, arising out of, or associated with the investigation and implementation of appropriate remedies.

Chair Conaboy asked if these conditions laid out in the MOU were not followed by the charter school, would that be considered a material breach of the contract between the Authority and the charter school. Director Canavero said, yes, he believed the failure to carry out the conditions in the MOU would be considered a material breach of the contract between the Authority and the charter school.

Member Mackedon expressed concern that smaller charter schools may have trouble paying for the costs of a due process hearing for a larger charter school in the event this were to come up. Director Canavero explained that language in the MOU discusses this concern: In the delivery of special education programming at the Charter School in the manner and to the extent described in the Charter School's Written Charter or Charter Contract, the Charter School shall maintain a special education reserve account as a financial reserve to ensure compliance with the indemnification and financial obligations set forth in this MOU. Such reserve shall not in any way limit the Charter School's obligation to indemnify the Authority pursuant to any provision of this MOU; in the event the special education reserve account is insufficient to fully pay costs incurred in connection with any claim or claims, the Charter School shall remain fully responsible for any and all costs incurred in connection with such claim or claims. The Charter School shall keep the special education reserve separate from and not utilize it to satisfy any other requirements applicable to the Charter School. This special education reserve shall be maintained in a separate bank account.

Member Wahl was not comfortable with the \$25,000 that had been determined to set aside, and therefore was not comfortable taking the vote. Deputy Attorney General Chesney recommended that the Authority vote to approve the MOU as is, and amend later, because it would not be beneficial to delaying the charter schools and the Authority from entering into the agreement.

Member Wahl motioned to accept the Memorandum of Understanding between the Authority and Charter Schools. Member Van seconded. The vote was unanimous.

Upon the conclusion of the vote, Chair Conaboy wanted to make sure the minutes reflected that the MOU could be amended based on future meetings between the Authority and other active parties and may be heard again at a future Authority Board meeting.

Agenda Item 5 - Consideration of the recommendation to approve the charter contract between the State Public Charter School Authority and Doral Academy of Nevada

Director Canavero gave background on the process that Doral Academy had undertaken in finalizing their contract with the Authority. He gave a history of the legislation that had been voted upon in 2013 that allowed for the charter contract to be executed.

Member Mackedon motioned to approve the Charter Contract between the Authority and Doral Academy of Nevada. Member Abelman seconded. The vote was unanimous.

Agenda Item 6 - Consideration of the recommendation to approve the charter contract between the State Public Charter School Authority and The Learning Bridge

Director Canavero gave background on the process that Learning Bridge had undertaken in finalizing their contract with the Authority. He noted the contract had similar language in it as Doral Academy's charter contract. Director Canavero noted that The Learning Bridge had not finalized their Certificate of Occupancy and therefore the Pre-Opening requirements were still incomplete. However, after work with SPCSA staff, both parties feel comfortable that the Learning Bridge will be able to complete the Certificate of Occupancy.

Chair Conaboy asked for clarification as to why the language was so dry in the charter contract, and where the charter schools' missions and goals could be found. Director Canavero said the mission and goals, along with the philosophy of the charter school could be found in the charter application and the SPCSA performance framework.

Member Mackedon motioned to approve the Charter Contract between the Authority and Doral Academy of Nevada. Member Abelman seconded. The vote was unanimous.

Agenda Item 7 – Approval of Leadership Academy of Nevada's request to delay commencement of operation for 1 school year (SY2013 – 2014) in order to become operational in SY 2014-2015

On January 8, 2013, the State Public Charter School Authority approved the proposed charter application for the Leadership Academy of Nevada. Shortly thereafter, a Subsection 7 Charter was issued pursuant to NRS 386.527(7) expiring June 30, 2015.

The 2013 Legislature enacted changes to charter school law to allow the Authority or the governing body of the charter school to request that the sponsor authorize the charter school to delay commencement of operation for 1 school year. On August 8, 2013 the Leadership Academy of Nevada requested that the SPCSA authorize the charter school to delay commencement from the 2013-2014 school year to the 2014-2015 school year.

Staff recommended that the State Public Charter School Authority authorize Leadership Academy of Nevada to delay commencement of operations for one (1) school year (SY2013-2014) in order to commence operation for the 2014-2015 school year.

Members of Leadership Academy of Nevada's Committee to Form spoke to the Authority about some of the challenges they had faced in trying to open for the 2013-2014 school year. They explained that the necessary enrollment for them to be fiscally viable was difficult to obtain, but with the delay in commencement they would have a better opportunity to open and be fiscally sound next year.

Member Abelman motioned for Approval of Leadership Academy of Nevada's request to delay commencement of operation for 1 school year (SY2013 – 2014) in order to become operational in SY 2014-2015. Member Luna seconded. Member Wahl disclosed that Angie Clevan is a colleague in her business life, but it would not have any bearing on her decision. The vote carried unanimously.

Agenda Item 8 – Approval of Nevada Performance Academy's request to delay commencement of operation for 1 school year (SY2013 – 2014) in order to become operational in SY 2014-2015

As with Leadership Academy, Nevada Performance Academy also asked for a delay in their commencement of operations. On January 8, 2013, the State Public Charter School Authority approved the proposed charter application for the Nevada Performance Academy. Shortly thereafter, a Subsection 7 Charter was issued pursuant to NRS 386.527(7) expiring June 30, 2015.

On August 8, 2013 the Nevada Performance Academy requested that the SPCSA authorize the charter school to delay commencement from the 2013-2014 school year to the 2014-2015 school year.

Staff recommended that the State Public Charter School Authority authorize Nevada Performance Academy to delay commencement of operations for one (1) school year (SY2013-2014) in order to commence operation for the 2014-2015 school year.

Nevada Performance Academy had a difficult time obtaining the necessary enrollment numbers to be fiscally viable. They hoped that the year in delay would allow them to better recruit students and open in a much stronger position in 2014.

Member Mackedon motioned for Approval of Nevada Performance Academy's request to delay commencement of operation for 1 school year (SY2013 – 2014) in order to become operational in SY 2014-2015. Member Luna seconded. The vote carried unanimously.

Agenda Item 9 – Discussion and possible action on NAC revisions proposed by the Authority for consideration by the State Board of Education for adoption

Chair Conaboy began the discussion by emphasizing that any NAC revisions the Authority plans to take to the State Board of Education should be taken to the charter schools first. Director Canavero then explained the approach that staff had taken in deciding what changes should be made. He said two groups were used, general language clean-up and the more difficult overriding regulation changes. Member McCord was concerned about the striking of the definition of the Educational Management Organization. Director Canavero said he would look into that more as staff worked with various parties. Member McCord wanted to ensure the language was listed somewhere, whether it was NAC or NRS did not make a difference to him, but if he had a choice he would like to have it in statute.

Director Canavero said that staff would also be looking into the language that determines when a charter school could begin enrolling pupils. Member Wahl requested the change and Director Canavero said they would look into the legislative history to understand why the 120day timetable was used. Member Wahl then asked what staff was hoping the timeline for the changes to be made would be. Director Canavero said it would be about 6 months. Member Wahl then asked staff to ensure the Authority would be notified as these NAC revisions are heard by the State Board of Education.

Chair Conaboy asked that all members of the Authority go through the NACs and note any revisions they would like seen. Over the next few months SPCSA staff would take the proposed changes to the schools in order to get their feedback.

Member McCord motioned that the Authority directs staff to continue their work with charter school board members and other stakeholders and bring their responses to the next Authority meeting. Member Van seconded. The vote was unanimous.

Agenda Item 11 – Member Comment

Member McCord said he likes being face-to-face for future board meetings. Chair Conaboy seconded his observation.

Agenda Item 12 – Public Comment

None

Member McCord motioned for adjournment. Member Van seconded. The motion carried unanimously.

The meeting adjourned at 11:49 a.m.