

**ANNUAL AUTHORITY RETREAT**  
**VIDEO CONFERENCED**

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1. Public Comment
2. Opening Comments (Kathleen Conaboy, SPCSA Authority Chair)(Page 1)
3. Update and discussion related to the SPCSA's Strategic Plan, including, but not limited to, the following strategies: **(Page 2)**
  - Supporting strong school governance
  - Open and sustain quality new schools
  - Collaborate to improve the environment for Nevada charter schools
4. General discussion related to Authority operations as a charter school sponsor, including, but not limited to, the following topics: **(Page 62)**
  - Intersection of support, autonomy, and accountability
  - Authority LEA status
  - Human capital needs at the Authority and plan to fill
5. Presentations by Authority staff in the following areas: **(Page 63)**
  - Annual Reporting Requirements Manual and AOIS (Katie Higday, Management Analyst)
  - Infinite Campus transition (Traci House, Business Process Analyst and Brian Flanner, Administrative Services Officer)
6. General discussion related to contested cases to be heard at a public hearing before the Authority **(Page 65)**
7. Update on NDE activities from the Superintendent of Public Instruction **(Page 66)**
8. Public Comment

***Recess until 9:00 a.m. on Friday January 10, 2014***

**Regular Meeting**  
***VIDEO CONFERENCED***

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3. Consideration regarding the Application Review Team’s recommendation of Nevada State High School’s II charter school application resubmission (***Page 89***)
4. Consideration regarding the Application Review Team’s recommendation of Mater Academy’s charter school application resubmission (***Page 100***)
5. Consideration regarding the Application Review Team’s recommendation of Legacy International’s charter school application resubmission (***Page 114***)
6. Discussion and possible action related to items discussed during the January 9, 2014 Authority Retreat. Discussion and possible action may be taken in the following areas: (***Page 133***)
  - a. Update and discussion related to the SPCSA’s Strategic Plan, including, but not limited to, the following strategies: (SPCSA Staff)
    - i. Supporting strong school governance
    - ii. Open and sustain quality new schools
    - iii. Collaborate to improve the environment for Nevada charter schools
  - b. General discussion related to Authority operations as a charter school sponsor, including, but not limited to, the following topics: (SPCSA Staff)
    - i. Intersection of support, autonomy, and accountability
    - ii. Authority LEA status
    - iii. Human capital needs at the Authority and plan to fill
  - c. Presentations by Authority staff in the following areas:
    - i. Annual Reporting Requirements Manual and AOIS (Katie Higday, Management Analyst)
    - ii. Infinite Campus transition (Traci House, Business Process Analyst and Brian Flanner, Administrative Services Officer)
  - d. General discussion related to contested cases to be heard at a public hearing before the Authority (SPCSA Staff, Shane Chesney, Senior Deputy Attorney General)
  - e. Update on NDE activities from the Superintendent of Public Instruction (Dale Erquiaga, Superintendent of Public Instruction)
7. Discussion and possible action regarding the approval to postpone the commencement of charter school operation (***Page 134***)
8. Approval of New America School’s request for an extension of Subsection 7 per NAC 386.240(1) (***Page 137***)
9. Discussion and possible action regarding proposed NAC revisions (***Page 139***)
10. Discussion and possible action regarding the Nevada Interscholastic Athletic Association (NIAA) proposed regulations and possible next steps for the Authority (***Page 202***)

11. Update Regarding the Charter School Revolving Loan Account (*Page 203*)
12. Appointment of Interim Director (*Page 210*)
13. Overview of Authority Board work in the next 3 months (*Page 213*)
14. Charter School Association of Nevada Update (*Page 214*)
15. Member Comment
16. Next Meeting Date: TBD
17. Public Comment

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**RETREAT**

**SUPPORTING DOCUMENT**

**S U B J E C T: Opening Comments**

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  /  </u>  | Action              |

MEETING DATE: January 9, 2014

AGENDA ITEM: 2

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Kathleen Conaboy, Chair, State Public Charter School Authority

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 15 mins

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**RETREAT**

**SUPPORTING DOCUMENT**

**S U B J E C T:** Update and discussion related to the SPCSA's Strategic Plan, including, but not limited to, the following strategies

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /x  /  </u> | Information         |
| <u>  /  /  </u>  | Action              |

MEETING DATE: January 9, 2014

AGENDA ITEM: 3

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Kathleen Conaboy, Chair, State Public Charter School Authority

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 30 mins

**BACKGROUND:**

- Supporting strong school governance
- Open and sustain quality new schools
- Collaborate to improve the environment for Nevada charter schools

**SUBMITTED BY:** \_\_\_\_\_

## Nevada

#23 (out of 41)  
97 Points (out of 208)

Nevada did not pass any major charter-specific legislation in 2010. Its ranking stayed at number 23, and its score fell from 99 points to 97 points. For component number 10, its score decreased from eight points to six points because we strengthened the evaluative criteria for this component.

Nevada's law does not place any caps on charter school growth (but three school districts have enacted a moratorium on new charter schools). Potential areas for improvement include expanding authorizer options, increasing operational autonomy, and ensuring equitable operational and categorical funding and equitable access to capital funding and facilities.

|   | Essential Components of Strong Public Charter School Law              | Current Component Description   | Rating | Weight | Total Score |
|---|---|---|--------|--------|-------------|
| 1 | No Caps   | The state law does not place any caps on charter school growth, but three school districts have enacted a moratorium on new charter schools | 3      | 3      | 9           |
| 2 | A Variety of Public Charter Schools Allowed                           | The state allows new start-ups and virtual schools, but not public school conversions.  | 3      | 1      | 3           |
| 3 | Multiple Authorizers Available  | The state has only a single viable authorizer option available and there is some authorizing activity.                                      | 1      | 3      | 3           |
| 4 | Authorizer and Overall Program Accountability System Required         | The state law includes a small number of the elements of the model law's authorizer and overall program accountability system.              | 1      | 3      | 3           |
| 5 | Adequate Authorizer Funding   | The state law includes some of the model law's provisions for adequate authorizer funding.  | 2      | 2      | 4           |
| 6 | Transparent Charter Application, Review and Decision-Making Processes | The state law includes some of the model law's provisions for transparent charter application, review and Decision-Making Processes.        | 2      | 4      | 8           |
| 7 | Performance-Based Charter Contracts Required                          | The state law includes some of the model law's provisions for performance-based charter contracts.  | 2      | 4      | 8           |
| 8 | Comprehensive Charter School Monitoring and Data Collection Processes | The state law includes some of the model law's provisions for comprehensive charter school monitoring and data collection processes.        | 2      | 4      | 8           |
| 9 | Clear Processes for Renewal, Nonrenewal and Revocation Decisions      | The state law includes many of the model law's clear processes for renewal, nonrenewal and revocation decisions.                            | 3      | 4      | 12          |

Year Charter School Law was Enacted: **1997**Estimated Number of Public Charter Schools in 2010-2011: **27**Estimated Number of Public Charter School Students in 2010-2011: **13,000**

|              | Essential Components of Strong Public Charter School Law                                    | Current Component Description   | Rating | Weight | Total Score |
|--------------|---|---|--------|--------|-------------|
| 10           | Educational Service Providers Allowed   | The state law includes many of the model law's provisions for educational service providers.  | 3      | 2      | 6           |
| 11           | Fiscally and Legally Autonomous Schools, with Independent Public Charter School Boards      | The state law includes many of the model law's provisions for fiscally and legally autonomous schools with independent public charter school boards.  | 3      | 3      | 9           |
| 12           | Clear Student Recruitment, Enrollment and Lottery Procedures                                | The state law includes many of the model law's requirements for student recruitment, enrollment and lottery procedures.   | 3      | 1      | 3           |
| 13           | Automatic Exemptions from Many State and District Laws and Regulations                      | The state law allows a charter school to submit a written request to the state superintendent of public instruction for a waiver from providing the days of instruction required by state law and requires some of a school's teachers to be certified. | 1      | 3      | 3           |
| 14           | Automatic Collective Bargaining Exemption   | The state law exempts some schools from existing collective bargaining agreements, but not others.  | 2      | 3      | 6           |
| 15           | Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed                 | The state law is silent regarding these arrangements.   | 1      | 1      | 1           |
| 16           | Extra-Curricular and Interscholastic Activities Eligibility and Access                      | The state law provides charter student access to extra-curricular activities at non-charter public schools.   | 2      | 1      | 2           |
| 17           | Clear Identification of Special Education Responsibilities                                  | The state law addresses special education, but is unclear about responsibility for providing services and funding for low-incident, high-cost services.   | 1      | 2      | 2           |
| 18           | Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding | The state law includes a small number of the model law's provisions for equitable operational funding and equal access to all state and federal categorical funding.  | 1      | 3      | 3           |
| 19           | Equitable Access to Capital Funding and Facilities  | The state law includes none of the model law's provisions for equitable access to capital funding and facilities.   | 0      | 3      | 0           |
| 20           | Access to Relevant Employee Retirement Systems  | The state law requires participation in the relevant employee retirement systems.   | 2      | 2      | 4           |
| <b>Total</b> |   |   |        |        | <b>97</b>   |

# NEVADA

#20 (OUT OF 42)

111 points (OUT OF 208)

YEAR CHARTER SCHOOL LAW WAS ENACTED: 1997  
ESTIMATED # OF PUBLIC CHARTER SCHOOLS IN

2011-12: 31

ESTIMATED # OF PUBLIC CHARTER SCHOOL STUDENTS IN 2011-12: 17,000

In 2011, Nevada enacted legislation to strengthen its authorizing environment. As a result, its scores increased in the following areas:

- For Component #3, its score increased from three points to six points because of the creation of a new statewide authorizer.
- For Component #4, its score increased from three points to six points because of strengthened authorizer accountability requirements.

- For Component #5, its score increased from four points to eight points because of improved authorizer funding provisions.

- For Component #8, its score increased from eight points to 12 points because of enhanced oversight and monitoring requirements.

Nevada's overall score increased from 97 points to 111 points and its ranking increased from #23 to #20.

Potential areas for improvement include increasing operational autonomy and ensuring equitable operational funding and equitable access to capital funding and facilities.

Below is a general summary of Nevada's law. For a detailed profile of it, go to <http://www.publiccharters.org/charterlaws/state/NV>.

|   | Essential Components of a Strong Public Charter School Law             | Current Component Description  | Rating | Weight | Total Score |
|---|--|--|--------|--------|-------------|
| 1 | No Caps  | The state law does not place any caps on charter school growth, but some school districts have enacted a moratorium on new charter schools | 3      | 3      | 9           |
| 2 | A Variety of Public Charter Schools Allowed                            | The state allows new start-ups and virtual schools, but not public school conversions.   | 3      | 1      | 3           |
| 3 | Multiple Authorizers Available   | The state allows two or more viable authorizing options for applicants but the authorizing activities of such entities is limited.         | 2      | 3      | 6           |
| 4 | Authorizer and Overall Program Accountability System Required          | The state law includes some of the elements of the model law's authorizer and overall program accountability system.                       | 2      | 3      | 6           |
| 5 | Adequate Authorizer Funding  | The state law includes all of the model law's provisions for adequate authorizer funding.  | 4      | 2      | 8           |
| 6 | Transparent Charter Application, Review, and Decision-making Processes | The state law includes some of the model law's provisions for transparent charter application, review, and decision-making processes.      | 2      | 4      | 8           |
| 7 | Performance-Based Charter Contracts Required                           | The state law includes some of the model law's provisions for performance-based charter contracts.   | 2      | 4      | 8           |



| Essential Components of a Strong Public Charter School Law |   | Current Component Description   | Rating | Weight       | Total Score |
|--|---|---|--------|--------------|-------------|
| 8  | Comprehensive Charter School Monitoring and Data Collection Processes                       | The state law includes many of the model law's provisions for comprehensive charter school monitoring and data collection processes.  | 3      | 4            | 12          |
| 9  | Clear Processes for Renewal, Nonrenewal, and Revocation Decisions                           | The state law includes many of the model law's clear processes for renewal, nonrenewal, and revocation decisions.   | 3      | 4            | 12          |
| 10   | Educational Service Providers Allowed   | The state law includes many of the model law's provisions for educational service providers.  | 3      | 2            | 6           |
| 11   | Fiscally and Legally Autonomous Schools, with Independent Public Charter School Boards      | The state law includes many of the model law's provisions for fiscally and legally autonomous schools with independent public charter school boards.  | 3      | 3            | 9           |
| 12   | Clear Student Recruitment, Enrollment, and Lottery Procedures                               | The state law includes many of the model law's requirements for student recruitment, enrollment, and lottery procedures.  | 3      | 1            | 3           |
| 13   | Automatic Exemptions from Many State and District Laws and Regulations                      | The state law allows a charter school to submit a written request to the state superintendent of public instruction for a waiver from providing the days of instruction required by state law and requires some of a school's teachers to be certified. | 1      | 3            | 3           |
| 14   | Automatic Collective Bargaining Exemption   | The state law exempts some schools from existing collective bargaining agreements, but not others.  | 2      | 3            | 6           |
| 15   | Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed                 | The state law is silent regarding these arrangements.   | 1      | 1            | 1           |
| 16   | Extra-Curricular and Interscholastic Activities Eligibility and Access                      | The state law provides charter student access to extra-curricular activities at non-charter public schools.   | 2      | 1            | 2           |
| 17   | Clear Identification of Special Education Responsibilities                                  | The state law addresses special education, but is unclear about responsibility for providing services and funding for low-incident, high-cost services.   | 1      | 2            | 2           |
| 18   | Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding | The state law includes a small number of the model law's provisions for equitable operational funding and equal access to all state and federal categorical funding.  | 1      | 3            | 3           |
| 19   | Equitable Access to Capital Funding and Facilities  | The state law includes none of the model law's provisions for equitable access to capital funding and facilities.   | 0      | 3            | 0           |
| 20   | Access to Relevant Employee Retirement Systems  | The state law requires participation in the relevant employee retirement systems.   | 2      | 2            | 4           |
|  |   |   |        | <b>TOTAL</b> | <b>111</b>  |

## NEVADA

**#22 (out of 43)**

**126 points (out of 228)**

**1997: Year Charter School Law Was Enacted**

Nevada's score increased from 111 points in 2012 to 126 points this year. Its ranking went from #20 (out of 42) to #22 (out of 43).

The score change was because of adjustments in our methodology for Components #2, #3, #12,

#15, #16, #18, and #19. In addition, the score for Component #1 increased because of a change in practices in the state.

Potential areas for improvement include increasing operational autonomy and ensuring equitable operational funding and equitable access to capital funding and facilities.

Below is a general summary, for a detailed state profile, go to <http://www.publiccharters.org/charterlaws/state/NV>.

| Essential Components of Strong Public Charter School Law  | Rating | Weight | Total Score |
|---|--------|--------|-------------|
| 1) No Caps  | 4      | 3      | 12          |
| 2) A Variety of Public Charter Schools Allowed  | 3      | 2      | 6           |
| 3) Multiple Authorizers Available   | 3      | 3      | 9           |
| 4) Authorizer and Overall Program Accountability System Required                                | 2      | 3      | 6           |
| 5) Adequate Authorizer Funding  | 4      | 2      | 8           |
| 6) Transparent Charter Application, Review, and Decision-making Processes                       | 2      | 4      | 8           |
| 7) Performance-Based Charter Contracts Required   | 2      | 4      | 8           |
| 8) Comprehensive Charter School Monitoring and Data Collection Processes                        | 3      | 4      | 12          |
| 9) Clear Processes for Renewal, Nonrenewal, and Revocation Decisions                            | 3      | 4      | 12          |
| 10) Educational Service Providers Allowed   | 3      | 2      | 6           |
| 11) Fiscally and Legally Autonomous Schools, with Independent Public Charter School Boards      | 3      | 3      | 9           |
| 12) Clear Student Recruitment, Enrollment, and Lottery Procedures                               | 3      | 2      | 6           |
| 13) Automatic Exemptions from Many State and District Laws and Regulations                      | 1      | 3      | 3           |
| 14) Automatic Collective Bargaining Exemption   | 2      | 3      | 6           |
| 15) Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed                 | 1      | 2      | 2           |
| 16) Extra-Curricular and Interscholastic Activities Eligibility and Access                      | 3      | 1      | 3           |
| 17) Clear Identification of Special Education Responsibilities                                  | 1      | 2      | 2           |
| 18) Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding | 1      | 4      | 4           |
| 19) Equitable Access to Capital Funding and Facilities  | 0      | 4      | 0           |
| 20) Access to Relevant Employee Retirement Systems  | 2      | 2      | 4           |
|   |        |        | 126         |

| Impact Measures of a State's Public Charter School Law                   |                        |                |
|--|------------------------|----------------|
| GROWTH   |                        |                |
| Number of Public Charter Schools   | 32                     | 2012-13        |
| Percentage of a State's Public Schools that are Charters                 | 4.9%                   | 2011-12        |
| Number of Public Charter School Students                                 | 22,542                 | 2012-13        |
| Percentage of a State's Public School Students that are Charter Students | 4.3%                   | 2011-12        |
| Number and Percentage of Charters that are Conversions vs. Start-Ups     | Conversions 0% 2011-12 | Start-Ups 100% |

| Impact Measures of a State's Public Charter School Law (continued)                               |                |          |             |         |
|--|----------------|----------|-------------|---------|
| Geographic Distribution of Charters [vs. Traditional]  |                | Charters | Traditional | 2010-11 |
|  | City           | 53%      | 34%         |         |
|  | Suburb         | 5%       | 25%         |         |
|  | Town           | 5%       | 11%         |         |
|  | Rural          | 37%      | 29%         |         |
| Demographics of Charter Students [vs. Traditional]   |                | Charters | Traditional | 2010-11 |
|  | White          | 52%      | 38%         |         |
|  | Black          | 16%      | 10%         |         |
|  | Hispanic       | 20%      | 39%         |         |
|  | Asian          | 4%       | 6%          |         |
|  | Other          | 7%       | 7%          |         |
|  | FRL            | 16%      | 52%         |         |
| Number of Communities with More Than 10% of Students in Charters                                 | 0              | 2011-12  |             |         |
| Number of New Schools Over the Past Five Years   | 2008-09        | 3        |             |         |
|  | 2009-10        | 3        |             |         |
|  | 2010-11        | 0        |             |         |
|  | 2011-12        | 6        |             |         |
|  | 2012-13        | 2        |             |         |
|  | Total          | 14       |             |         |
| Number and Percentage of Charters that are Independents vs. CMOs vs. EMOs                        | Ind.           | 22       | 82%         | 2010-11 |
|  | CMOs           | 0        | 0%          |         |
|  | EMOs           | 5        | 18%         |         |
| Number of Authorizers by Type  | LEAs           | 3        | 2011-12     |         |
|  | SEAs           | 0        |             |         |
|  | ICBs           | 1        |             |         |
|  | NEGs           | 0        |             |         |
|  | HEIs           | 0        |             |         |
|  | NFPs           | 0        |             |         |
| Percentage of Schools by Type of Authorizer  | Coming in 2014 |          |             |         |
| Number of Schools Closed Over the Past Five Years  | 2007-08        | 0        |             |         |
|  | 2008-09        | 0        |             |         |
|  | 2009-10        | 1        |             |         |
|  | 2010-11        | 1        |             |         |
|  | 2011-12        | 2        |             |         |
|  | Total          | 4        |             |         |
| <b>INNOVATION</b>  |                |          |             |         |
| Types of Charters Created  | Coming in 2014 |          |             |         |
| Number of Virtual Public Charter Schools   | 3              | 2009-10  |             |         |
| <b>QUALITY</b>   |                |          |             |         |
| Postsecondary Activity Rates for Charter Students [vs. Traditional]                              | Coming in 2014 |          |             |         |
| Graduation Rates for Charter Students [vs. Traditional]  | Coming in 2014 |          |             |         |
| Dropout Rates for Charter Students [vs. Traditional]   | Coming in 2014 |          |             |         |
| Attendance Rates for Charter Students [vs. Traditional]  | Coming in 2014 |          |             |         |
| State Accountability Ratings for Charters [vs. Traditional]                                      | Coming in 2014 |          |             |         |
| Percentage of Charter Students that are Proficient (Overall and Disaggregated) [vs. Traditional] | Coming in 2014 |          |             |         |
| Percentage of Charter Students Meeting Growth Targets [vs. Traditional]                          | Coming in 2014 |          |             |         |

## Vision

A quality public school of choice for every Nevada child

## Mission

The SPCSA improves and influences public education in Nevada by sponsoring public charter schools that prepare all students for college and career success and by modeling best practices in charter school sponsorship.

## Beliefs

## Goal

By 2016, increase the number of SPCSA-sponsored quality charter schools from 4 to 12 based on the Authority's performance framework.

**Students first --High expectations -- Excellence--Autonomy/Accountability--Transparency--Leadership**

## Strategies

### Open and sustain quality new schools

- Define the standard of quality using the performance framework
- Refine the application process to align with new performance framework and contract
- Coordinate and align SPCSA technical assistance with CSAN applicant training
- Collaborate with stakeholders to encourage replication of successful schools
- Provide more intensive oversight and support of schools during the first two years of operation

### Establish performance-based contracts for all schools

- Advocate for state policy, through statutes and regulations, to facilitate contracts
- Develop contract documents, adoption process and schedule for new and existing schools
- Execute new contracts with the boards of all new and existing schools
- Develop a robust renewal/revocation process consistent with the statute and contract
- Communicate with and provide performance contract technical assistance to boards

### Support strong school governance

- Define effective school governance
- Develop a board effectiveness rubric
- Assess effectiveness of all boards
- Provide technical assistance to boards
- Report on school performance to all boards

### Collaborate to improve the environment for Nevada charter schools

- Develop and advance a charter school policy agenda
- Support NDE in development and oversight of charter school sponsors
- Develop new charter school funding
- Build productive relationships with school districts
- Work with all stakeholders to expand facility options for charter schools
- Collaborate with stakeholder groups to develop a plan to improve the charter school environment

## Measures

- % of approved applications
- # of schools meeting quality criteria after 1, 2 & 3 years
- # of replications of quality schools
- # of schools voluntarily adopting new contracts
- # of school renewals
- # of school closures
- % of schools with effective boards
- % of boards receiving technical assistance
- Alliance rating of NV charter school laws
- # of partners engaged in Charter School Stakeholder group
- New funding sources for charter schools

## End of school year 2013, SPCSA Strategic Plan Progress toward Goal

### Measures

#### % of approved applications

- 2011-2012 35.71% approved
- 2012-2013 42.86% approved

#### # of schools meeting quality criteria after:

- One year:
  - 2011-2012 Two out of Four schools
  - 2012-2013 Zero out of Two schools
- Two years:
  - 2011-2012 NA (no schools approved to open in the 2010-2011 school year)
  - 2012-2013 One out of Four schools
- Three years:
  - 2011-2012 One out of Three schools
  - 2012-2013 NA (no schools approved to open in the 2010-2011 school year)

#### # of replications of quality schools

- 2013-2014 One NV State HS approved for replication for fall of 2014

#### # of school Renewals

- Three
  - Spring 2013 Coral Academy of Science, LV
  - Spring 2013 NV Connections
  - Summer 2013 NV Virtual

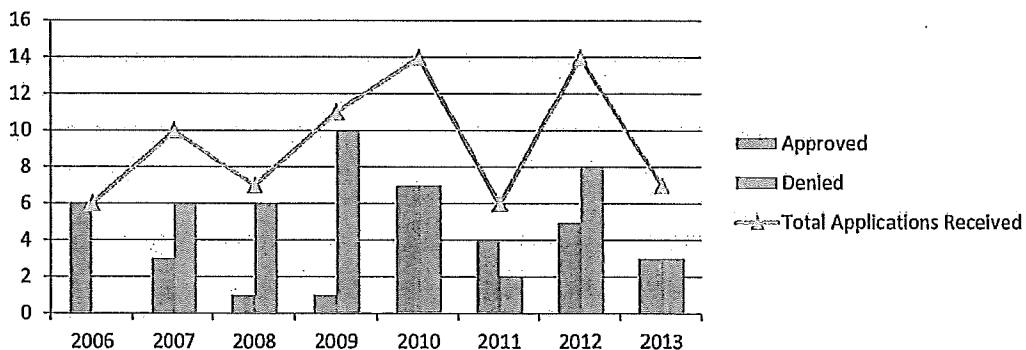
#### # of school Closures

- 2011-2012 One Renaissance
- 2012-2013 Zero

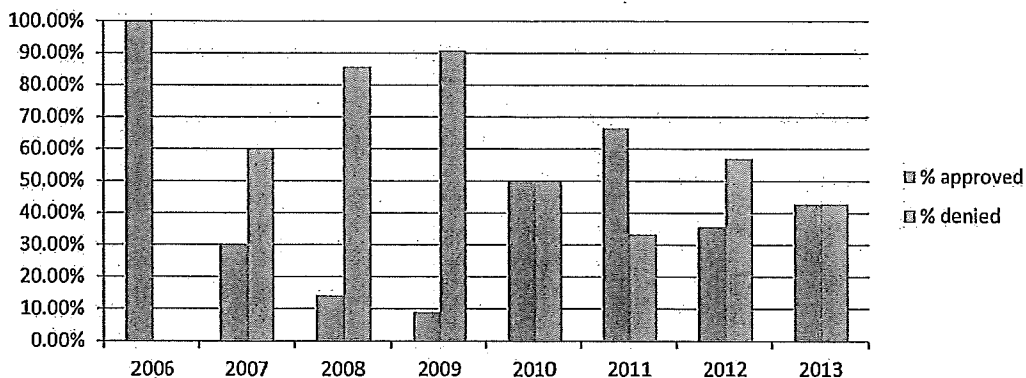
|                | Approved | Denied | Withdrawn | Total Applications Received |
|----------------|----------|--------|-----------|-----------------------------|
| September-2013 | 3        | 3      | 1         | 7                           |
| September-2012 | 5        | 8      | 1         | 14                          |
| September-2011 | 4        | 2      | 0         | 6                           |
| September-2010 | 7        | 7      | 0         | 14                          |
| September-2009 | 1        | 10     | 0         | 11                          |
| September-2008 | 1        | 6      | 0         | 7                           |
| September-2007 | 3        | 6      | 1         | 10                          |
| September-2006 | 6        | 0      | 0         | 6                           |
| Totals         | 30       | 42     | 3         |                             |

| Year           | # of Apps received | % approved | % denied | % withdrawn | Approval Board     |
|----------------|--------------------|------------|----------|-------------|--------------------|
| September-2013 | 7                  | 42.86%     | 42.86%   |             | 14.29% SPCSA       |
| September-2012 | 14                 | 35.71%     | 57.14%   |             | 7.14% SPCSA        |
| September-2011 | 6                  | 66.67%     | 33.33%   |             | 0.00% SPCSA        |
| September-2010 | 14                 | 50.00%     | 50.00%   |             | 0.00% State Board  |
| September-2009 | 11                 | 9.09%      | 90.91%   |             | 0.00% State Board  |
| September-2008 | 7                  | 14.29%     | 85.71%   |             | 0.00% State Board  |
| September-2007 | 10                 | 30.00%     | 60.00%   |             | 10.00% State Board |
| September-2006 | 6                  | 100.00%    | 0.00%    |             | 0.00% State Board  |

**2006-2013 # of Charter School Applications  
Approved/Denied**

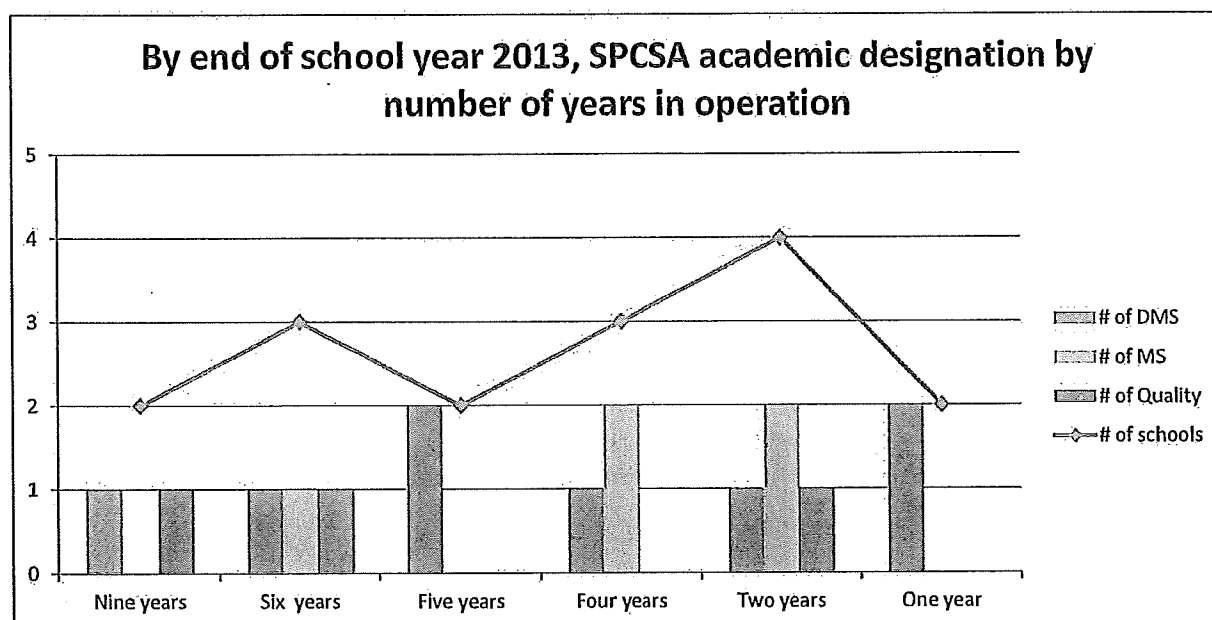


**2006-2013 % of Charter Applications  
Approved/Denied**



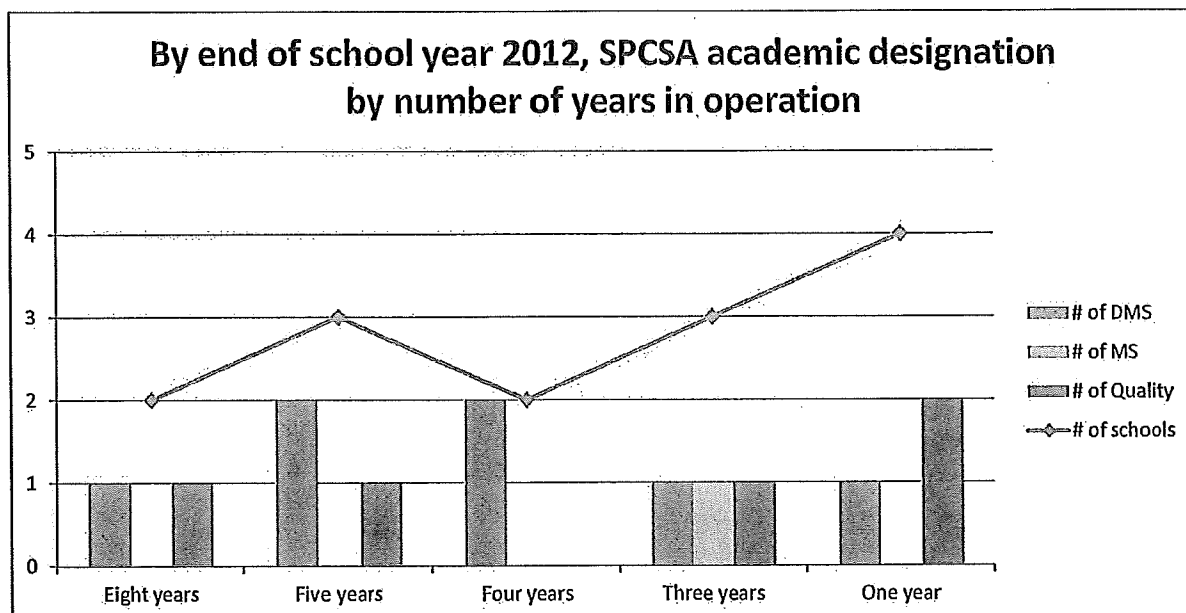
| Name of School              | First School Year of Operation | By end of year 2013 # of years in operation | 2012-2013 SPCSA designation |                             |
|-----------------------------|--------------------------------|---|-----------------------------|-----------------------------|
| Honors                      | 2012-2013                      |   | 1 DMS                       |                             |
| Pinecrest                   | 2012-2013                      |   | 1 DMS                       |                             |
| Discovery                   | 2011-2012                      |   | 2 DMS                       |                             |
| Imagine Mt. View            | 2011-2012                      |   | 2 MS                        |                             |
| Oasis                       | 2011-2012                      |   | 2 Quality                   |                             |
| Somerset                    | 2011-2012                      |   | 2 MS                        |                             |
| Alpine                      | 2009-2010                      |   | 4 DMS                       | 2008-2009                   |
| Elko                        | 2009-2010                      |   | 4 MS                        | 2009-2010                   |
| Silver Sands                | 2009-2010                      |   | 4 MS                        | 2010-2011                   |
| Beacon                      | 2008-2009                      |   | 5 DMS                       | Letter of Concern 2011-2012 |
| Quest                       | 2008-2009                      |   | 5 DMS                       | 2012-2013                   |
| Coral Academy of Science LV | 2007-2008                      |   | 6 Quality                   |                             |
| NV Connections              | 2007-2008                      |   | 6 MS                        |                             |
| NV Virtual                  | 2007-2008                      |   | 6 DMS                       | Letter of Concern           |
| NV State HS                 | 2004-2005                      |   | 9 Quality                   |                             |
| Silver State                | 2004-2005                      |   | 9 DMS                       | Letter of Concern           |
| Doral                       | 2013-2014                      |   |                             |                             |
| Learning Bridge             | 2013-2014                      |   |                             |                             |

| # of years in operation | By end of school year 2013 |          |         |              |
|-------------------------|----------------------------|----------|---------|--------------|
|                         | # of schools               | # of DMS | # of MS | # of Quality |
| Nine years              | 2                          | 1        | 0       | 1            |
| Six years               | 3                          | 1        | 1       | 1            |
| Five years              | 2                          | 2        | 0       | 0            |
| Four years              | 3                          | 1        | 2       | 0            |
| Two years               | 4                          | 1        | 2       | 1            |
| One year                | 2                          | 2        | 0       | 0            |



| Name of School              | First School<br>Year of<br>Operation | By end of year<br>2012 # of years in<br>operation | 2011-20123<br>SPCSA<br>designation |
|-----------------------------|--------------------------------------|---|------------------------------------|
| Discovery                   | 2011-2012                            |   | 1 DMS                              |
| Imagine Mt. View            | 2011-2012                            |   | 1 Not Rated K-2 school             |
| Oasis                       | 2011-2012                            |   | 1 Quality                          |
| Somerset                    | 2011-2012                            |   | 1 Quality                          |
| Alpine                      | 2009-2010                            |   | 3 DMS                              |
| Elko                        | 2009-2010                            |   | 3 MS                               |
| Silver Sands                | 2009-2010                            |   | 3 Quality                          |
| Beacon                      | 2008-2009                            |   | 4 DMS                              |
| Quest                       | 2008-2009                            |   | 4 DMS                              |
| Coral Academy of Science LV | 2007-2008                            |   | 5 Quality                          |
| NV Connections              | 2007-2008                            |   | 5 DMS                              |
| NV Virtual                  | 2007-2008                            |   | 5 DMS                              |
| NV State HS                 | 2004-2005                            |   | 8 Quality                          |
| Silver State                | 2004-2005                            |   | 8 DMS                              |
| Honors                      | 2012-2013                            |   |                                    |
| Pinecrest                   | 2012-2013                            |   |                                    |
| Doral                       | 2013-2014                            |   |                                    |
| Learning Bridge             | 2013-2014                            |   |                                    |

| # of years in operation | By end of school year 2012 |          |         |              |  |
|-------------------------|----------------------------|----------|---------|--------------|--|
|                         | # of schools               | # of DMS | # of MS | # of Quality |  |
| Eight years             | 2                          | 1        | 0       | 1            |  |
| Five years              | 3                          | 2        | 0       | 1            |  |
| Four years              | 2                          | 2        | 0       | 0            |  |
| Three years             | 3                          | 1        | 1       | 1            |  |
| One year                | 4                          | 1        | 0       | 2            |  |





| September 2013 for fall 2014 start-up |               |                              |                   |
|---------------------------------------|---------------|------------------------------|-------------------|
| School Name                           | Determination | Status                       | Charter Type      |
| Academy of Arts and Sciences          | Denied        |                              |                   |
| Founders Academy                      | Approved      | Pre-opening                  | Contract          |
| Legacy International                  | Denied        |                              |                   |
| Mater Academy of Nevada               | Approved      | Pre-opening                  | Contract          |
| NV State HS II                        | Approved      | Pre-opening                  | Contract          |
| Telesis Preparatory Academy           | Denied        |                              |                   |
| The Education Academy of Nevada       | Withdrawn     |                              |                   |
| September 2012 for fall 2013 start-up |               |                              |                   |
| School Name                           | Determination | Status                       | Charter Type      |
| American Preparatory Academy          | Approved      | Pre-opening extended to 2014 | Sub Section 7     |
| Ben Gamla                             | Denied        |                              |                   |
| Doral Charter School                  | Approved      | Opened 2013                  | Written Agreement |
| Imagine Centennial                    | Denied        |                              |                   |
| Leadership Academy                    | Approved      | Pre-opening extended 2014    | Sub Section 7     |
| Legacy International                  | Denied        |                              |                   |
| Northern NV HS                        | Denied        |                              |                   |
| NV Performance Academy                | Approved      | Pre-opening extended to 2014 | Sub Section 7     |
| NV Preparatory Academy                | Withdrawn     |                              |                   |
| Promise Academy                       | Denied        |                              |                   |
| Silver State Virtual                  | Denied        |                              |                   |
| Sterling HS North                     | Denied        |                              |                   |
| Sterling HS South                     | Approved      | Pre-opening extended to 2014 | Sub Section 7     |
| The Clark School                      | Denied        |                              |                   |
| September 2011 for fall 2012 start-up |               |                              |                   |
| School Name                           | Determination | Status                       | Charter Type      |
| Honors Academy                        | Approved      | Opened 2012                  | Written Agreement |
| Legacy International                  | Denied        |                              |                   |
| New America School                    | Approved      | Pre-opening extended to 2014 | Sub Section 7     |
| Performing Arts Charter HS            | Denied        |                              |                   |
| Pinecrest Academy                     | Approved      | Opened 2012                  | Written Agreement |
| The Learning Bridge                   | Approved      | Opened 2013                  | Written Agreement |

| September 2010 for fall 2011 start-up              |               |                                      |                               |
|--|---------------|--------------------------------------|-------------------------------|
| School Name  | Determination | Status                               | Charter Type                  |
| Black Mountain Preparatory Academy                 | Denied        |                                      |                               |
| Coral Academy of Science-Carson City               | Denied        |                                      |                               |
| Coral Academy of Science-Valley                    | Denied        |                                      |                               |
| Discovery Charter School                           | Approved      | Opened 2011                          | Written Agreement             |
| Golden Gate Academy                                | Denied        |                                      |                               |
| Imagine School at Mt. View                         | Approved      | Opened 2011                          | Written Agreement             |
| Las Vegas Leadership Academy                       | Denied        |                                      |                               |
| LEADER Institute                                   | Denied        |                                      |                               |
| Oasis Academy                                      | Approved      | Opened 2011                          | Written Agreement             |
| Renaissance Academy                                | Approved      | Opened fall 2011--closed spring 2012 | Written Agreement Surrendered |
| Sandstone Academy                                  | Denied        |                                      |                               |
| Somerset Academy of Las Vegas                      | Approved      | Opened 2011                          | Written Agreement             |
| Summerlin Preparatory School                       | Approved      | Failed to open                       | Sub Section 7 Surrendered     |
| Willie H Brooks Soar Academy                       | Approved      | Pre-opening extended to 2014         | Sub Section 7                 |
| September 2009 for fall 2010 start-up              |               |                                      |                               |
| School Name  | Determination | Status                               | Charter Type                  |
| Advanced Curriculum and Technology Charter School  | Denied        |                                      |                               |
| Eco-Academy of Scientific Studies                  | Denied        |                                      |                               |
| High Desert Montessori HS (Washoe School District) | Given to WSCD |                                      |                               |
| Imagine School Mt. View                            | Denied        |                                      |                               |
| Las Vegas Leadership Academy                       | Denied        |                                      |                               |
| MIKA Preparatory Academy                           | Denied        |                                      |                               |
| Montessori Charter School of Nevada                | Denied        |                                      |                               |
| Provost Academy Nevada                             | Approved      | Failed to open                       | Sub Section 7 Surrendered     |
| Scholarly Choice Charter School                    | Denied        |                                      |                               |
| Summit Academy                                     | Denied        |                                      |                               |
| Teacher Preparation Academy                        | Denied        |                                      |                               |
| The Willie H Brooks Soar Academy                   | Denied        |                                      |                               |
| September 2008 for fall 2010 start-up              |               |                                      |                               |
| School Name  | Determination | Status                               | Charter Type                  |
| Las Vegas Montessori Charter School                | Denied        |                                      |                               |

| September 2008 for fall 2009 start-up                |               |   |                               |
|--|---------------|---|-------------------------------|
| School Name  | Determination | Status                                  | Charter Type                  |
| Entrepreneurial-Technical and Engineering Charter HS | Approved      | Opened fall 2009 closed one month later | Written agreement Surrendered |
| High Desert Montessori HS                            | Denied        |   |                               |
| Independence Junior and Senior HS                    | Denied        |   |                               |
| MIKA/TOP Learning and Preparatory Academy            | Denied        |   |                               |
| NV Secondary Learning Center                         | Denied        |   |                               |
| NV Virtual Academy-expansion to grades 10-12         |               |   |                               |
| The Willie H Brooks Soar Academy                     | Denied        |   |                               |

| September 2007 for fall 2008 start-up    |               |             |                   |
|--|---------------|-------------|-------------------|
| School Name                              | Determination | Status      | Charter Type      |
| Alpine Academy                           | Approved      | Opened 2009 | Written Agreement |
| Distance and Electronic Learning Academy | Denied        |             |                   |
| Elko Institute for Academic Achievement  | Approved      | Opened 2009 | Written Agreement |
| Harvest Preparatory Academy              | Denied        |             |                   |
| Imagine School at Mt. View               | Withdrawn     |             |                   |
| Insight School of Nevada (Beacon)        | Approved      | Opened 2008 | Written Agreement |
| Montessori Children's World              | Denied        |             |                   |
| PEACE Charter School                     | Denied        |             |                   |
| Ross Nevada Academy                      | Denied        |             |                   |
| Trinity Learning Center                  | Denied        |             |                   |

| September 2006 for fall 2007 start-up                       |               |                |                           |
|---|---------------|----------------|---------------------------|
| School Name   | Determination | Status         | Charter Type              |
| Coral Academy of Las Vegas                                  | Approved      | Opened 2007    | Contract                  |
| Entrepreneurial-Technical and Engineering Charter HS        | Approved      | Failed to open | Charter Expired           |
| Imagine Charter School of Las Vegas                         | Approved      | Failed to open | Sub Section 7 Surrendered |
| Las Vegas School of the Deaf (Clark County School District) | Given to CCSD |                |                           |
| Nevada Connections Academy                                  | Approved      | Opened 2007    | Contract                  |
| NV Virtual Academy  | Approved      | Opened 2007    | Contract                  |
| Silver Sands Montessori Charter School                      | Approved      | Opened 2009    | Written Agreement         |
|   |               |                | R-S-2013                  |
|   |               |                | R-W-2013                  |
|   |               |                | R-S-2013                  |



To: Nevada State Charter School Authority  
From: The High Bar  
Re: Proposal to serve 18 charter school boards for three years  
Date: December 2, 2013

---

### Overview

- Support all charter school boards authorized by the Nevada State Charter School Authority
- Provide annual The High Bar Memberships, plus additional training and support
- Provide one in-person trainings per year in both Las Vegas and Reno
- Three year term
- Contracts executed with individual charter schools

### Proposal

The High Bar proposes to meet these needs with the following services:

- 18 High Bar Memberships at the Strategic Level
- Three years of service with annual contracts
  - Year One: March 2014-June 2015 (free pre-year for March - June 2014);
  - Year Two: July 2015-June 2016
  - Year Three: July 2016-June 2017
- In person trainings (once each year, two cities): Spring 2014 (for 2014/15 school year); Spring 2015 (for 2015/2016 school year); Spring 2016 (for 2016/2017 school year)

### Board-Level Implementation Requirements

- CEO, Board Chair and all board members must be registered as High Bar members
- Use BoardOnTrack for all board and committee meetings
- Participate in all Authority-sponsored, in person trainings for High Bar Members
- Board/School Leadership participate in following phone calls:
  - Onboarding: three phone calls for set-up, 30, 60 and 90 days
  - Quarterly review: Four times a year, including annual review
  - Annual review: One annual review (overlap with Quarterly Review)
- Complete and use Board and CEO goal tracker
- Complete CEO evaluation



### State Chartering Authority Implementation Requirements

- Initial planning calls as needed to review trainings and reporting
- Quarterly reporting showing schools' use of The High Bar

### Costs

|                      | Year 1    | Year 2    | Year 3    |
|----------------------|-----------|-----------|-----------|
| # of Boards          | 18        | 18        | 18        |
| Total Cost Per Board | \$10,995  | \$9,995   | \$9,995   |
|                      |           |           |           |
| Total Annual Cost    | \$197,190 | \$179,910 | \$179,910 |

Discounts built into pricing above:

- 3 free months in year one to align annual contracts with fiscal year cycle
- \$1,000 discount on pricing for each board per year, all 3 years

Additional notes on pricing:

- Travel expenses included for one trip to Las Vegas/Reno area over next three years (total three trips)



## APPENDIX

### STRATEGIC MEMBERSHIP

#### **BoardOnTrack**

- ✓ Member and user profile management
- ✓ Meeting scheduling
- ✓ Board packet development and distribution
- ✓ Minute taking and distribution
- ✓ Document and task management
- ✓ Hosted solution for public posting board minutes

#### **On-demand phone and email support**

- ✓ 5-day week support with 24-hour response time

#### **Training and Consulting**

- ✓ On-demand training and resources
- ✓ Members-only webinars
- ✓ Full support for set-up (three phone calls)

#### **Performance management**

- ✓ Interactive assessments to track development
- ✓ THB-initiated four time per year review based on improvement criteria
- ✓ Board/CEO goal setting w/database of goals and KPI's
- ✓ CEO evaluation process and tools

### **References**

#### **Morgan Brown**

#### **Charter School Partners, Minnesota**

<http://www.charterschoolpartners.org/>

[mbrown@charterschoolpartners.org](mailto:mbrown@charterschoolpartners.org)

Morgan is the liaison between the High Bar and 5 charter school boards in Minnesota, 4 are charter starters and one is an emerging CMO. In addition as you will see from the attached bio, Morgan has been an authorizer so he will have a unique perspective for you.



**Morgan Brown - Director of School Improvement**

Morgan Brown has spent the last decade advocating for education reform, innovation, and charter schools at both the state and national levels. Morgan served at the Minnesota Department of Education (MDE) as an Assistant Commissioner (2008-10) and the Director of School Choice and Innovation (2003-06). At MDE, he oversaw programs for school choice, special education policy, and American Indian education. Morgan also gained national experience from 2006-08 as the Assistant Deputy Secretary for Innovation and Improvement at the U.S. Department of Education. There, he led the federal agency's programs and initiatives in such areas as school choice, teacher and principal quality, education technology, and history and arts education. Prior to 2003, Morgan had 11 years of experience in nonprofit and public policy positions, many of which focused on K-12 reform and outreach to families on education options. He received his B.A. from Carleton College and has completed fellowships at the Humphrey Institute at the University of Minnesota and the Claremont Institute in California.

Chris Bender, Executive Director  
Brighter Choice Foundation, Albany New York  
[www.brighterchoicefoundation.org](http://www.brighterchoicefoundation.org)  
[cbender@brighterchoicefoundation.org](mailto:cbender@brighterchoicefoundation.org)

Chris brought The High Bar to Albany to serve all 11 charters in that city. They represent a broad range of schools in design, mission, and age. The Brighter Choice Foundation also uses High Bar Membership. He can offer you a broad perspective of how our work supports a wide range of schools.

## **Landscape Analysis of High-Performing CMOs and Target Markets for Expansion**

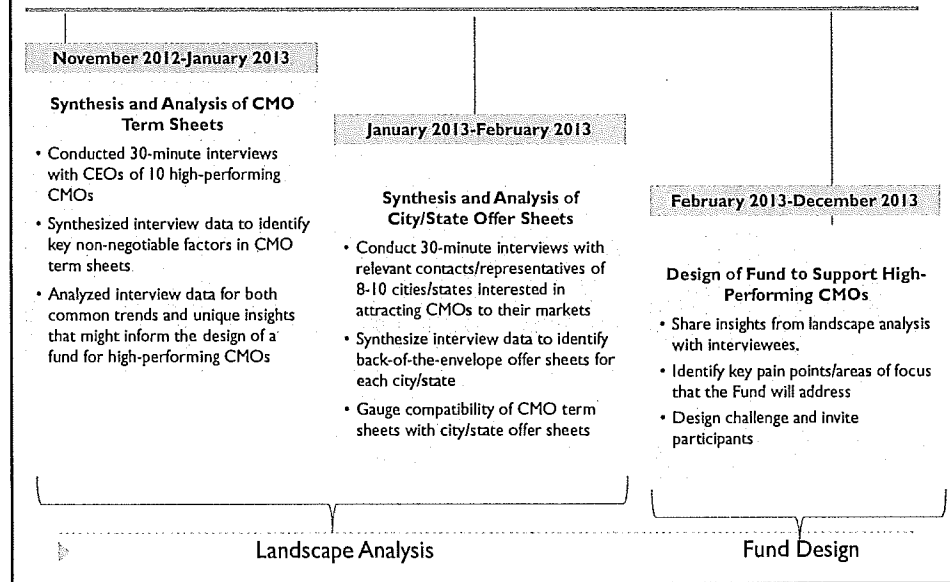
**Prepared for the Bill and Melinda Gates Foundation**

### Table of Contents: CMO Analysis

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## Project Timeline



## Participants in the Landscape Analysis

12 High-Performing, Expansion-Minded CMOs



6 Cities Interested in Attracting More CMOs



## Interview Questions for CMOs

### For Interviewees in Category 1

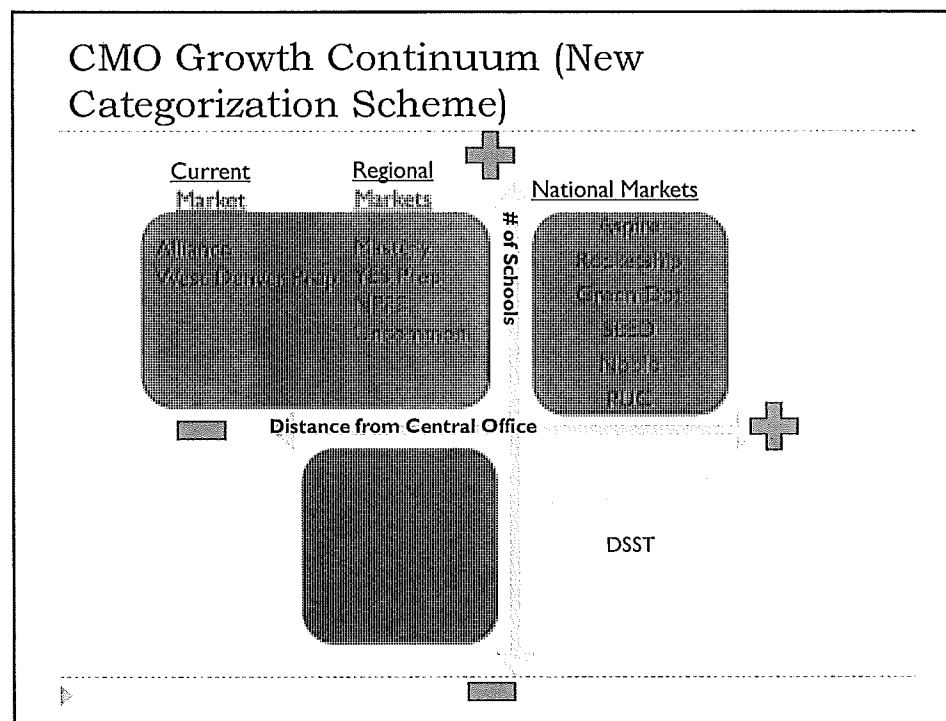
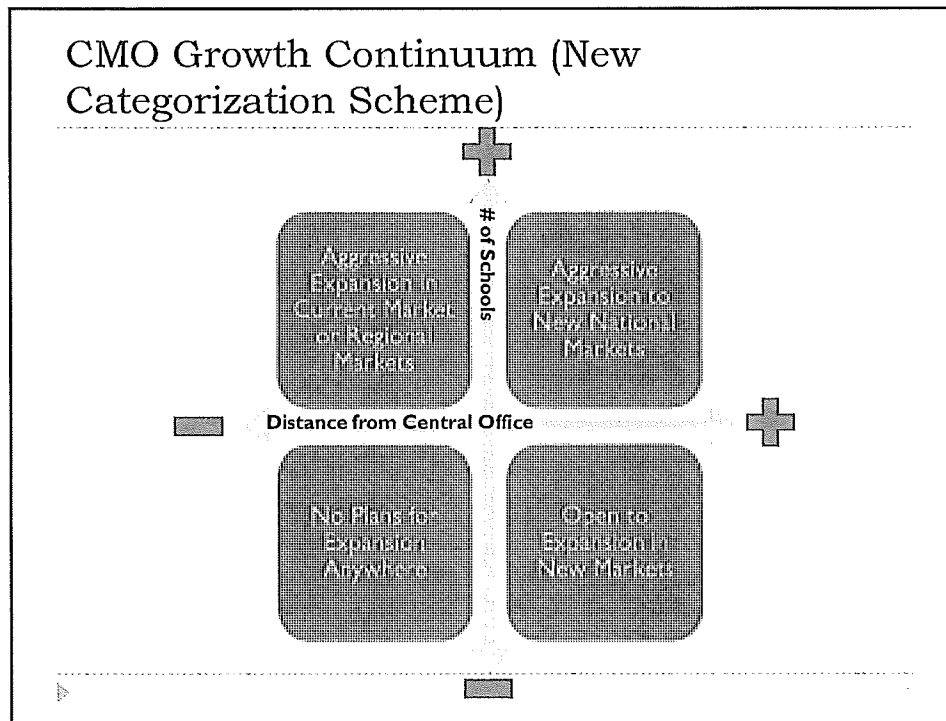
- **Why are you thinking about growth** at this point? Have the conditions in your current area(s) of operation worsened, and/or have you identified more favorable environments in new markets?
- Please identify your **current stage of planning**.
- **What markets/cities have you assessed** or are currently assessing? How are you prioritizing markets of interests?
- Please identify some **non-negotiable factors** you would identify in a conversation with potential partners in a new market. What kind of strategic/operational support are you looking for?
- How do you envision that expansion will factor into your impact as an organization?
- What are the **biggest needs** your organization has that would advance your ability to expand?
- **Who are you currently engaging** to assist you with your growth plans?

### For Interviewees in Category 2

- **What prompted you** and your team to think about expanding beyond your current market?
- What are the **risks you associate with expansion**, i.e. why do you classify yourself as Category 2 vs. Category 1?
- Have you opened any conversations with potential markets? Are there any markets whose offer sheets you are interested in better understanding?
- Please identify some **non-negotiable factors** you would identify in a conversation with potential partners in a new market.
- What factors/conditions would increase your inclination to **pursue an aggressive growth strategy earlier than expected**?
- What are the **key leadership alignments** that need to happen (e.g. board of directors, funders, etc.) before you move into aggressive growth?

## CMOs Interviewees

|    | Name                     | Title                    | Organization/Schools  |
|----|--------------------------|--------------------------|---|
| 1  | James Willcox            | CEO                      | Aspire Public Schools   |
| 2  | Marco Petruzzi           | CEO                      | Green Dot Public Schools                                      |
| 3  | Jason Bernal             | President                | YES Prep Public Schools                                       |
| 4  | Ralph Bland              | CEO                      | New Paradigm for Education                                    |
| 5  | Chris Gibbons            | CEO                      | West Denver Prep  |
| 6  | Bill Kurtz               | CEO                      | Denver School of Science and Technology (DSST Public Schools) |
| 7  | Courtney Collins-Shapiro | Chief Innovation Officer | Mastery Charter Schools                                       |
| 8  | Michael Milkie           | Superintendent           | Noble Network of Charter Schools                              |
| 9  | Preston Smith            | CEO                      | Rocketship Education  |
| 10 | Brett Peiser             | CEO                      | Uncommon Schools  |
| 11 | Judy Burton              | CEO                      | Alliance College-Ready Public Schools                         |
| 12 | Raj Vinnekota            | CEO                      | SEED School   |



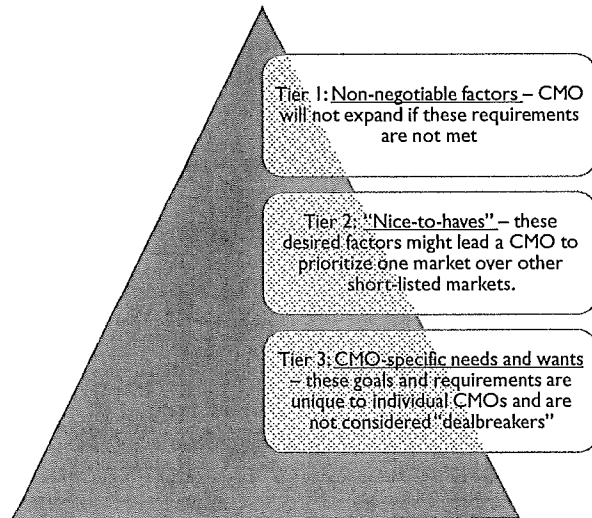
### Key Markets of Interest to High-Growth CMOs

| CMO Name         | Memphis/TN          | Chicago           | New Orleans         | D.C.        | Indianapolis | Seattle/WA  | Denver            | Others                             |
|------------------|---------------------|-------------------|---------------------|-------------|--------------|-------------|-------------------|------------------------------------|
| Rocketship       | COMMITTED           |                   |                     | Considering | Considering  | Considering |                   | Milwaukee; Nashville (COMMITTED)   |
| Aspire           | COMMITTED           |                   | Heavily Considering |             |              | Considering |                   | Nashville                          |
| Green Dot        | Considering         | Considering       |                     | Considering |              | Considering |                   |                                    |
| New Paradigm     | Heavily Considering |                   |                     |             | Considering  |             |                   | Grand Rapids Rochester - COMMITTED |
| Noble            |                     | Already operating |                     |             |              |             |                   |                                    |
| West Denver Prep |                     |                   |                     |             |              |             | Already operating | Aurora/Colorado Springs            |
| Mastery          |                     |                   |                     |             |              |             |                   | NJ or DE                           |
| YES Prep         | Considering         | Considering       | Considering         | Considering | Considering  |             |                   | Miami                              |
| Alliance         |                     |                   |                     |             |              |             |                   | Los Angeles                        |
| DSST             |                     | Considering       | Considering         | Considering |              |             | Already operating | New York                           |

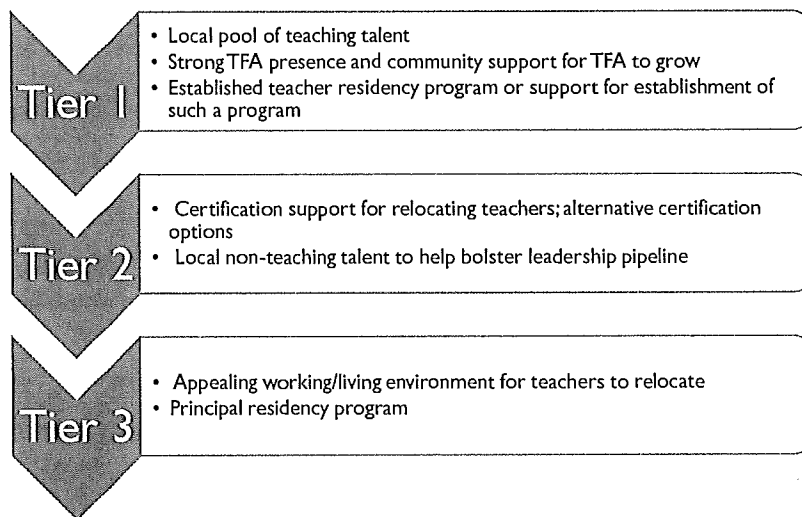
### Key Markets of Interest to High-Performing CMOs

| CMO Name    | Memphis/TN | Chicago | New Orleans | D.C.              | Indianapolis | Seattle/WA          | Denver | Others   |
|-------------|------------|---------|-------------|-------------------|--------------|---------------------|--------|--|
| PUC         |            |         |             |                   |              |                     |        | Rochester - COMMITTED<br>Currently in Boston, NYC, Newark, Rochester, and Troy |
| Uncommon    |            |         |             |                   |              |                     |        |  |
| Summit Prep |            |         |             |                   |              | Heavily Considering |        |  |
| SEED        |            |         |             | Already operating |              | Considering         |        | South Florida/Ohio   |

## Term Sheet Tiers



## Term Sheet Factors: HUMAN CAPITAL



## Term Sheet Factors: STARTUP SUPPORT

### Tier 1

- Upfront financing for planning activities 1-2 years prior to school opening (~\$500K per school)
- Favorable public funding structure (per-pupil funding at or near parity with district funding – must be better than current market)

### Tier 2

- Significant local philanthropic support for startup activities, with a focus on facilities
- Public pledges for provision of startup capital matched by private funds

### Tier 3

- Strong partnerships with parents, local businesses, and higher education organizations

## Term Sheet Factors: FACILITIES

### Tier 1

- Public funding available for facilities, or private developer philanthropically funded to build facilities at no cost to the CMO
- 100% pass-through on facilities funding, occupancy costs fully covered
- Sufficient facilities funding provided during startup stage
- Permanent, non-shared facilities available and under full control of CMO

### Tier 2

- Charter-friendly environment where equal access to facilities for charters is politically accepted – state legislation in process to improve facilities situation

### Tier 3

- Control over site development (i.e. Rocketship wants to build buildings to its instructional specifications)

## Term Sheet Factors: POLITICAL ENVIRONMENT

### Tier 1

- Friendly authorizer – multiple schools/sites approved, with the expectation that future charter applications will be viable
- Strong legislative/advocacy backdrop/public commitments for charter expansion activities

### Tier 2

- Satisfactory charter law in place or in revision process
- Local, multi-year philanthropic support linked to political accountability

### Tier 3

- Significant charter-friendly education reform activity in market
- CMO leadership team has long-standing political ties to region (e.g. Chicago)

## Term Sheet Factors: MARKET IMPACT

### Tier 1

- Demographic fits CMO mission, e.g. high-need demographic in underserved market
- Market is not overly saturated – excess demand for quality seats in market

### Tier 2

- Exceptional fit between CMO school model and community model/culture
- Geographic proximity, e.g. new market is within one-hour flight from regional hub – opportunity to develop a cohesive cluster of schools

### Tier 3

- Opportunity to gain market share quickly (applies to smaller markets)
- Strong partnerships with parents, local businesses, and higher education organizations

## CMO Expansion Profiles (Page 1 of 6)

### Rocketship

#### Aggressive Growth to New National Markets

- Growth to **Milwaukee** in fall 2013, heavily considering Tennessee
- Clear commitment required from new community - 8 schools, **\$5.5M** baseline requirement (\$2 M down 30 months in advance to "reserve" Rocketship, \$2.5M to fund region, and \$1M to fund national expansion)
- Wants full autonomy and control over facilities development (need open space to fit instructional model, better to build buildings from scratch)
- **TFA** presence is a gating factor
- Significant investment in pushing legislative reform to make way for Rocketship as a "national school system"

### Aspire

#### Aggressive Growth to New National Markets

- Growth to **Memphis** in fall 2013; 10 K-8 schools will be opened over 5 years (5,600 students served); additional markets must be within a one-hour flight from Memphis regional hub (e.g. Nashville and New Orleans)
- Term sheets details requirements for charters awarded prior to any commitments, facilities guarantees, public and/or private pledges for startup capital, significant community/political support, and Aspire talent willing to relocate
- TFA presence is important but only if retention in community is high – high priority on starting a teacher residency program



## CMO Expansion Profiles (Page 2 of 6)

### Green Dot

#### Aggressive Growth to New National Markets

- Considering Memphis, Seattle, D.C., Chicago, New York, Camden, and Rochester-- business plans for top 3 markets to be considered by Green Dot board in Jan 2013. Open to multi-city launch
- Term sheet non-negotiables include strategic support, (coherent governance structure, public support, potential enrollment of 5K-10K), risk diversification (startup funds in advance, charter funding near parity with district per-pupil), ability to deploy talent (one full planning year needed to build human capital capacity), and vision for transformation (focus on turnarounds)
- Relying on robust principal residency program to support growth, among other human capital pushes
- Worsening conditions in California have made expansion a near-imperative for Green Dot

### New Paradigm for Education

#### Aggressive Growth to Regional Markets

- Considering Grand Rapids (Michigan), Tennessee, and Indianapolis
- Must be able to grow 5-8 schools – open to both turnarounds and new school creation
- Places a premium on autonomy ("we want to do what we feel needs to be done in the region, on our timetable") and full community support – including partnerships with parents, local businesses, and colleges/universities.
- Startup costs estimated at \$500K (\$200-300K for pre-planning activities 1.5 years before opening, and \$200K more for due diligence/applications)
- TFA is a critical partner; alternative certification requirements for teachers is also important.





## CMO Expansion Profiles (Page 3 of 6)

### Mastery

#### Aggressive Growth in Regional Markets

- **Regionally-based growth strategy** focused on **New Jersey and Delaware** (5 year plan includes adding 3 schools per year until fall 2017)
- Appeal of NJ and Delaware include regional proximity and per-pupil reimbursement that is 2-3x the average in PA.
- Don't want to create a new central office because school model/curriculum are extremely centralized.
- **Human capital concerns** – "we question whether we have the talent depth at the moment to peel off 10 or 20 of our best people"
- **Facilities struggles** – Mastery has had a charter approved in NJ for two years but still has not secured a facility (anti-charter district, state authorizer with no local leverage, no facilities financing for charters in NJ)

### YES Prep

#### Aggressive Growth in Regional Markets

- Expanding outside Houston in 2015 and 2016 (Phase 3 growth) – **6 schools in Houston and 4 in another region**
- Considering New Orleans, Memphis, D.C., Indianapolis, Miami, and Chicago – did due diligence on 181 regions and going back to board in Jan 2013 with 2-3 markets for further consideration
- **Incentives to leave Texas** – facilities financing difficulties, desire to prove that the YES Prep model is replicable and scalable outside of Texas
- Human capital pipeline and governance will be leading issues
- Hesitant about importance of TFA (have to pay a fee per corps member, quality varies from city to city)

## CMO Expansion Plans (Page 4 of 6)

### Noble

#### Aggressive Expansion in New National Market

- Growing to **20 campuses** serving **16K students in Chicago** over the next 4 years (3-4 campuses opening next school year) – no plans to leave Chicago unless political environment makes it impossible to expand in Chicago
- Major support from Mayor Emmanuel for expansion – organization is dedicated to serving existing needs of 400K students in Chicago
- Concerned about **depth of teacher pool** in Chicago but confident about reservoir of talented principals
- Preparation for growth includes building **back office capacity** (academic, development, finance, facilities, etc.), strengthening the teacher pipeline, and ramping up **advocacy efforts**.

### West Denver Prep

#### Aggressive Expansion in Current Market

- Opened 3 schools in **Denver** this year (7 schools total now), with plans to expand to 9 in the next year
- Decision point – expand elementary schools in Denver (school are currently 6-12) OR look at new markets (considering Colorado Springs and Aurora, but leaving Colorado would be a "big threat")
- **No natural second market** - Denver is favorable for facilities/political conditions/reform-mindedness of Denver board, and enrollment growth is robust
- **#1 constraint is human capital** – "we don't just need more recruiting dollars - one way to attract talent is to go somewhere else"
- School leaders and board are hesitant about growth: "We don't feel like we can point to good models of people who have transferred markets successfully".

## CMO Expansion Plans (Page 5 of 6)

### Alliance

#### Aggressive Expansion in Current Market

- Board is heavily committed to LA only; regional expansion plans include opening 10 new schools in LA over the next 5 year
- "We have no vision of what it would look like to have a team go to another state and not have a negative impact"
- Interested in learning about national expansion best practices as other CMOs attempt this – Alliance board needs a "high level of comfort and desire with the idea before proceeding"

### DSST

#### Aggressive Expansion in Current Market

- In the early stages of talking about what's next – board is 12 months away from making any decisions
- Local growth (up to 10 schools in greater Denver), but unsure of what capacity is needed for national expansion
- Want to build more internal capacity (especially great school leaders and home office leadership) before considering aggressive growth outside current market
- Interested in exploring how other CMOs are thinking about growth



## CMO Expansion Plans (Page 5 of 6)

### Uncommon

#### Aggressive Expansion in Current Market

- Currently operates 32 schools (8K students) across five regions – plans to grow to 38 schools (10K students) in the next year, 46 schools (16K students) in the next 4-5 years
- Interested in building out grade-level continuity – plans to build high schools in current regions
- Growth plans have been stunted by poor facilities environment – too many schools in short-term leases
- "The only two factors that prevent us from expanding even further are buildings and senior instructional leadership – principal managers and principal coaches"
- A few years away from considering moving to national markets, would only consider if facilities offering was great.

### SEED

#### Aggressive Expansion in National Markets

- SEED has plans to expand to South Florida and Ohio and is heavily considering conditions in WA state.
- SEED has clear terms for expansion, including the ability open new schools (at least one in the east and one in the west) with multiple points of entry (6<sup>th</sup> and 9<sup>th</sup> graders the first year)
- Ability to open multiple schools – at least one in the east (Spokane) and one in the west (Tacoma or Seattle). Each school would be capped at 600 students.
- Funding needs include \$5M capital guarantee/LoC per school, and \$40M in philanthropy per school to fund mainly facilities and internal supports.
- Also need enabling legislation to exempt SEED from local teacher union rules, provide state transportation funds, diver federal funding to support school boarding funding, etc.



## Appendix

- Snapshots of Current CMO Greenlighting Processes
- Lessons Learned from “Expansion Pioneers”
- Recommendations/Feedback from Interviewees



## NPFE Greenlighting Milestones

| Community Needs   | Population   | Financials   | Community Support  | Facilities  |
|---|--|--|--|---|
| <ul style="list-style-type: none"> <li>Schools have history of low performance</li> <li>Other characteristics of school are aligned with NPFE strategic plan</li> </ul> | <ul style="list-style-type: none"> <li>Demographics must fall within defined strategic priorities</li> </ul> | <ul style="list-style-type: none"> <li>Student cost per building</li> <li>Availability of funding for pre-opening tasks</li> </ul> | <ul style="list-style-type: none"> <li>Community is receptive to high-quality options</li> <li>Formal partnerships with neighborhood agencies</li> </ul> | <ul style="list-style-type: none"> <li>Building fits curriculum</li> <li>Meets cost structure per student requirements</li> <li>Availability of former district building to use or opportunity to build a new facility</li> </ul> |



## Alliance: Greenlighting Milestones

|  |   |
|--|---|
| Rate of Growth: 2 schools/year to 50 schools | Satisfaction with performance of existing schools   |
| No officially committed timeline, however    | Approved charters/no procedural barriers  |
|  | Confirmation of need and interest in charter school based on:   |
|  | population of children in age group to be served/need for seats given community enrollment numbers                                |
|  | Performance of surrounding schools  |
|  | Facilities – availability of funds to acquire and develop a permanent site :  |
|  | Site development timeline that insures completion and readiness for occupancy by July of the year the school is scheduled to open |
|  | Eligibility for New Market Tax Credits and SB740 rent reimbursement   |
|  | Funds to cover startup costs  |

## Noble Greenlighting Process

|   | "NO GO"       | "GO"                           |
|---|---------------|--------------------------------|
|   | ●             | ○                              |
| <b>ENVIRONMENT</b>  |               |                                |
| % free & reduced lunch across the network with proposed campus  | <80%          | 80-81% ≥82%                    |
| <b>ENROLLMENT</b>   |               |                                |
| Existing campuses in the network collectively have excess demand  | <150 students | 150-200 students ≥200 students |
| <b>FACILITIES</b>   |               |                                |
| Estimated annual occupancy expense per pupil at capacity of proposed campus   | ≥\$1,500      | \$1,350-\$1,500 ≤\$1,350       |
| <b>FINANCIALS</b>   |               |                                |
| Estimated revenue from fundraising can cover estimated funding gap  | Doesn't cover | Nearly covers Covers gap       |
| Proposed campus does not reduce the budget of any existing campus, particularly during the ramp-up period of the new campus | No            | Yes                            |
| <b>INTERNAL CAPABILITY**</b>  |               |                                |
| Network's ability to maintain support levels or add additional staff as needed  | No            | Yes                            |

\*\* Via a conversation with Mike Milkie, Noble using the following metrics to gauge internal capability: 1) >90% satisfaction rate on annual survey of CMO support team's performance (completed by campuses), 2) Clean audits and balanced budgets to confirm internal capability

## Lessons Learned from First Movers (1 of 2)

### Advice from Rocketship, Green Dot, and Aspire for CMO's looking to expand:

- Don't underestimate the challenges of multiregional growth! Don't grow just for the sake of growth, and don't grow just to get funding. Grow when you're ready. This is how you demonstrate quality and ensure that you can replicate your school model.
- Participate actively in shaping the political and legislative environment you will be a part of. Remember that your core competency is running schools, and that is leverage for you. Advocate for yourself as a *national school system*.
- Get formal, contractual commitments before you invest in a market. Don't get sidetracked by focusing on too many at a time. Be flexible enough to move on when one market doesn't work out.
- Pay attention to your internal capacity. Are you willing to skim off your top people to a new market? Are they even willing to move there? Get a managing director for the region out there as soon as you start planning.



## Lessons Learned from First Movers (2 of 2)

- Dig into the details with facilities. Pay attention to zoning, acquisition, entitlement, etc. issues. Make sure your facilities arrangement enables you to execute on your instructional model.
- Try to overestimate your startup costs. You will need money not just for running schools but expanding a regional office/building more technological capacity to support your IT systems, etc. Secure sustainable funding sources for these costs.
- Listen to your Board. Your Board may have a more objective perspective on how your growth plans fit into your overall strategy, and they can rein you in if you stretch the organization out too thin.
- Take the political pulse of your market constantly, and build in the flexibility to adjust accordingly.
- Don't neglect your home schools! They are the bedrock of your brand, and it is paramount to continue to deliver on performance and school quality.



## Tablet of Contents: District Analysis

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## Interview Questions for Districts

|                              |   |
|------------------------------|---|
| <b>Goals</b>                 | What role do you see charter schools playing in increasing college-ready rates in your community?   |
|                              | What is the optimal charter saturation rate for your district?  |
| <b>Political Environment</b> | Does the "favored nation" status of your current high-performers affect how you think about them growing locally?                               |
|                              | What are your key opponents saying, and how might a communication strategy help?  |
| <b>Stakeholders</b>          | Who do you believe are key players in attracting high-performing CMOs to your district? Which players are more hesitant, and why?               |
|                              | How are these stakeholders influencing (or being influenced by) the political environment?  |
| <b>Incentives</b>            | What incentives do you hope to offer high-performing CMOs to enter your market? Have you opened up any conversations with high-performing CMOs? |
|                              | Which incentives have you already implemented, and which do you hope to implement in the next 18 months? The next 5 years?                      |
| <b>Challenges</b>            | What obstacles have you encountered in attracting high-performing CMOs to your district?  |
|                              | What CMO requirements/non-negotiables do you believe you will have difficulty meeting?  |
|                              | What alignments would help you to meet those requirements?  |

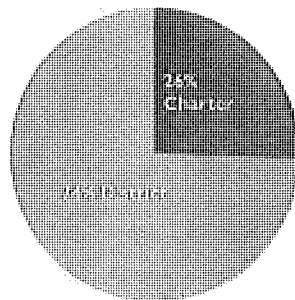
## District Interviewees

|   | Name                  | Title                                      | Organization Name                |
|---|-----------------------|--|----------------------------------|
| 1 | Alyssa Whitehead-Bust | Chief Innovation Officer                   | Denver Public Schools            |
| 2 | Tracy Dorland         | Executive Director, Educator Effectiveness | Denver Public Schools            |
| 3 | Phyllis Lockett       | CEO  | New Schools for Chicago          |
| 4 | Neerav Kingsland      | CEO  | New Schools for New Orleans      |
| 5 | Mark Gleason          | CEO  | Philadelphia Schools Partnership |
| 6 | Chris Barbic          | CEO  | Achievement School District      |
| 7 | Bryan Hickman         | Co-Founder                                 | E3 Rochester                     |
| 8 | Joe Klein             | Staff Member                               | E3 Rochester                     |



## Denver: Market Snapshot

### Market Saturation



### Targets

No saturation targets, but interested in attracting quality schools, especially at the elementary level

### Interest Level in Attracting CMOs

Want to attract quality CMOs differentiated from local operators, but have placed recruitment on hold because of inability to accept CMO requirements for scale



## Denver: Attractors and Detractors

ATTRACTORS

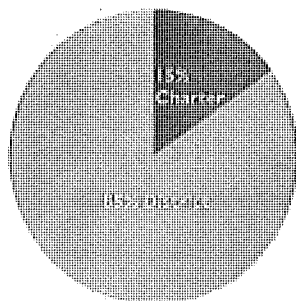
- Known nationally for innovation and reform work (50% of portfolio operates with autonomy)
- Friendly charter-authorizing agency
- Unique opportunity for the charter community to directly trigger district transformation through district-charter collaboration
- Collaborative community of charters currently in the market
- Coordinated and active philanthropic community (Walton and Charter Growth Fund are strong supporters)
- Strong TFA presence, plus homegrown programs (Denver teacher residency program) currently untapped by charters

DETRACTORS

- Inability to meet CMO requirements for scale (cannot meet the 5-10 school condition)
- School replacement strategy is slow (speed at which the district shuts down poor-performing schools is not fast enough)
- Low PPR (\$7K/pupil)
- Facilities – most district facilities are spoken for; 50% of charters are already operating in district-owned facilities
- Market differentiation problem – hesitation about impeding the growth of local high-performers like DSST/Strive in favor of welcoming outside providers

## Chicago: Market Snapshot

### Market Saturation



### Targets

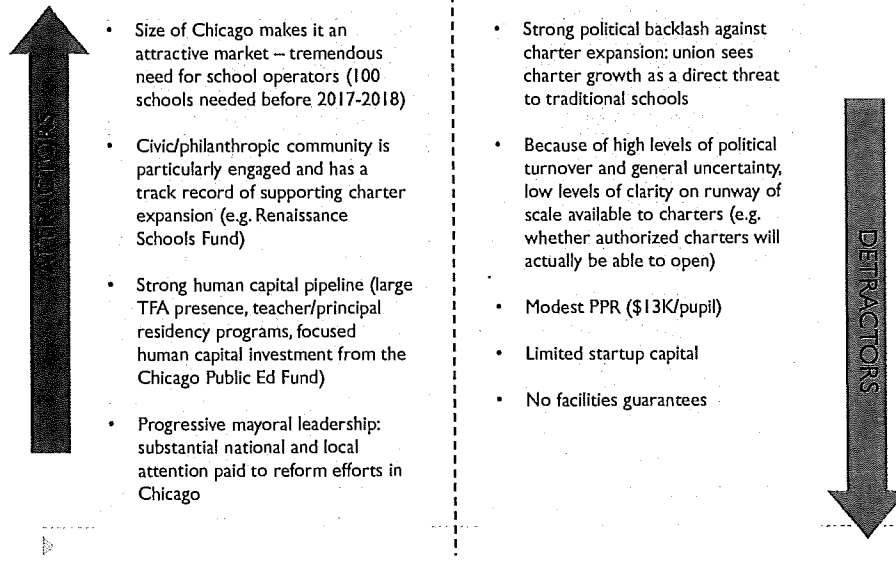
Target saturation rate of 20% by 2017-2018 (40% if contract schools are included). Need ~100 more schools to reach this target

### Interest Level in Attracting CMOs

Interested in actively recruiting high-performing CMOs to meet Mayor's goals of broadening portfolio choice; Chicago projects that around half of the new operators must be sourced nationally.

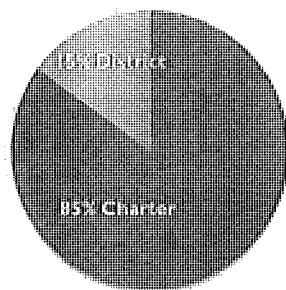


## Chicago: Attractors and Detractors



## New Orleans: Market Snapshot

### Market Saturation



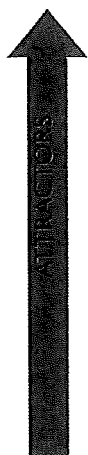
### Targets

Target saturation rate is 100%. Want 2-3 operators to open 6-10 schools in the next 5 years. Interested in two more KIPP-style models

### Interest Level in Attracting CMOs

Interested in actively recruiting high-performing CMOs to create an all-charter school system. Also looking at starting a local charter growth development fund for new schools in Baton Rouge

## New Orleans: Attractors and Detractors



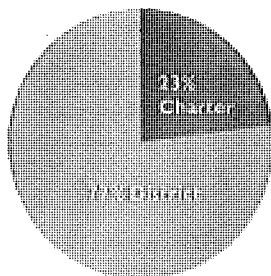
- "We can articulate being part of something special – by coming to New Orleans you can potentially change the country."
- Exceptionally strong political coalition (State Superintendent, state/local boards, politicians, etc.) that creates stability
- Active philanthropic community, with major business leaders providing financial support, board membership, and political cover
- Strong foundation for building out human capital pipeline (TFA and New Leaders for New Schools have presence)

- Difficulty meeting CMO requirements for scale
- Market is potentially oversaturated
- Moderate PPR (~\$10K/pupil)
- Still working on getting 100% pass-through on per-pupil funding for facilities
- Still looking for a model regulatory and governance model
- No philanthropic money gathered yet for startup capital (\$800K-\$2M per school)



## Philadelphia: Market Snapshot

### Market Saturation



### Targets

No target saturation rate, but want turnaround operators to support the district's turnaround management needs.

### Interest Level in Attracting CMOs

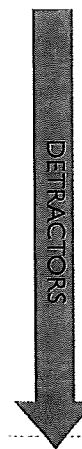
Interested in recruiting CMOs that specialize in turnaround and/or blended models, but has done little reaching out beyond PA to date.

## Philadelphia: Attractors and Detractors



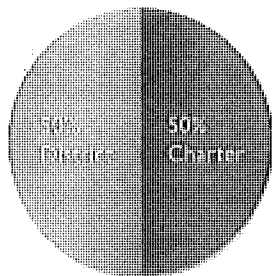
- Welcoming of charters in supporting the district's turnaround strategy – sharp focus on growing management organizations
- High level of parent demand
- Large asset of facilities (90 or more vacant buildings in the city), with many re-use opportunities
- Favorable human capital environment (large TFA presence with alumni still working in the district, large number of colleges and universities to build K-16 pipeline, teacher residency program, cross-sector (both charter and district) principal residency program)

- Many leadership transitions over the past 7-8 years
- Authorizer hasn't authorized new charters in a number of years
- No state-level focus on advocacy for a better authorizing environment
- Political support is mixed (city council is anti-charter)
- Moderate PPR (~\$10K/pupil)
- District charter office does not currently have a permanent director



## ASD: Market Snapshot

### Market Saturation



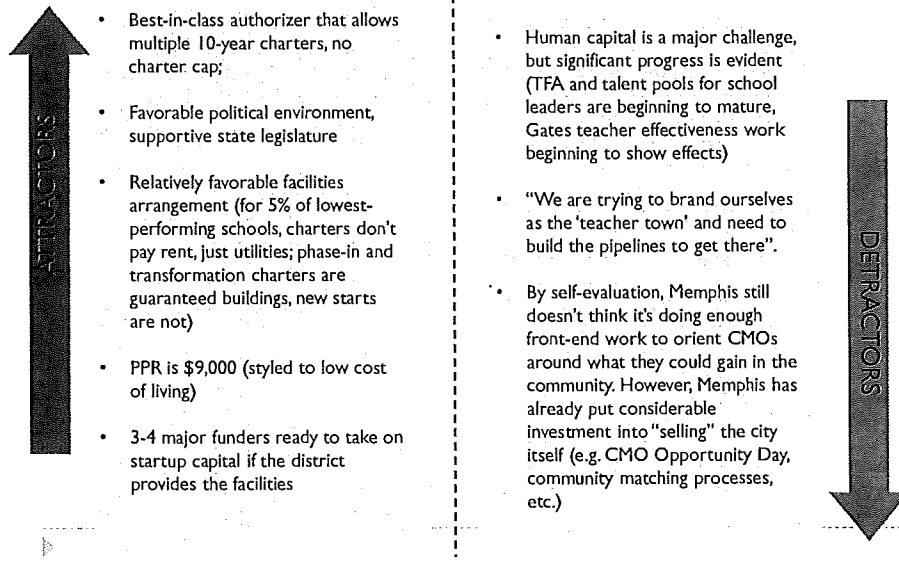
### Targets

100% ("We want to get out of the operating game and charter everything"). Memphis wants to incubate CMOs and spin them out to operate independently.

### Interest Level in Attracting CMOs

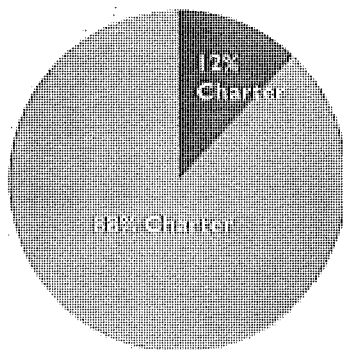
Actively recruiting CMOs and just released charter applications for the 2014-2015 school year.

## ASD: Attractors and Detractors



## Rochester: Market Snapshot

### Market Saturation



### Targets

100% charter (timeline not specified), as near-singular strategy for improving performance in the district

### Interest Level in Attracting CMOs

Actively recruiting CMOs to join Uncommon Schools, with PUC and Noble joining soon

## Rochester: Attractors and Detractors



- High community support coupled with high need
- Two strong authorizers with little interference from the board
- Desirable facilities environment 0 real estate contractors ready to build new or renovate at cost that can be covered by public revenue
- Good labor pool/teacher training (e.g. SUNY Brockport, potential new Relay Graduate School of Education in Rochester); low cost of living
- High PPR: \$13,500
- Guaranteed \$1M provided for application, startup, and building costs, goal is \$2M with philanthropic support

- Rochester's single biggest concern is competition from other cities and urban communities for high-performing CMOs. It is trying to find lesser-known but high-quality CMOs to attract to Rochester.
- Rochester is also concerned about the time and effort required to raise startup costs ("We are fairly confident we will raise sufficient funding, but the time and effort required is counterproductive")



## District Wish-List

|                       | Memphis/<br>ASD | Denver                   | Chicago                   | New<br>Orleans                | Philadelp<br>hia               | Rochester   |
|-----------------------|-----------------|--------------------------|---------------------------|-------------------------------|--------------------------------|---|
| YES Prep              | ✓               | ✓                        | ✓                         | ✓                             |                                | ✓   |
| Aspire                | ✓               |                          | ✓                         | ✓                             |                                | ✓   |
| Achieveme<br>nt First |                 | ✓                        |                           |                               | ✓                              | ✓   |
| Green Dot             | ✓               | ✓                        |                           |                               | ✓                              | ✓   |
| Rocketship            | ✓               |                          | ✓                         | ✓                             | ✓                              | ✓   |
| Uncommo<br>n          |                 |                          | ✓                         |                               | ✓                              |   |
| KIPP                  |                 | ✓ (already in<br>Denver) | ✓ (already in<br>Chicago) | ✓ (already in<br>New Orleans) | ✓ (already in<br>Philadelphia) |   |
| Others                |                 | Carpe Diem               |                           | Democracy<br>Prep             | Democracy<br>Prep              | Ascend,<br>Democracy<br>Prep, Excel,<br>IDEA, Summit,<br>Touchstone |

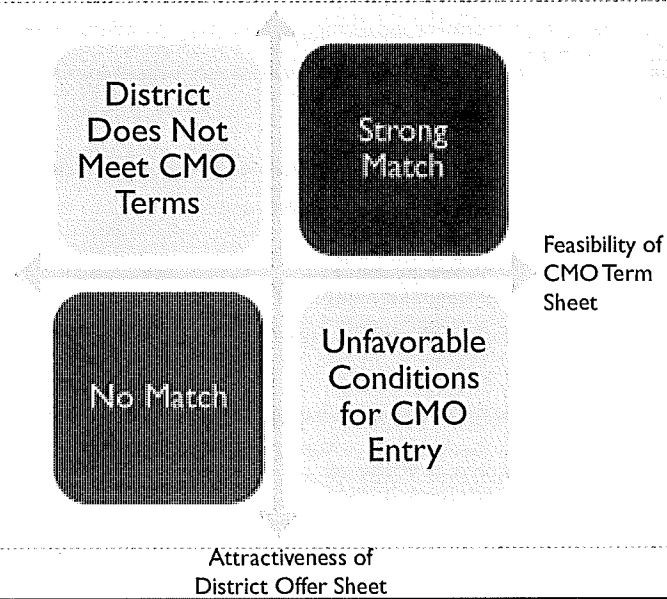
## District Challenges

- Scale**
  - District have little means to authorize and support the number of schools that CMOs require to move to a new market
  - For districts using the replacement strategy (vs. turnaround), low-performing schools are not closing at a fast enough rate to accommodate new growth
- Facilities**
  - Opportunities to use/re-use district space are limited; low-performing schools are not closing fast enough to make facilities available for new charters
  - Lack of national exemplars on how to "do facilities right"
- Quality**
  - Concern about the ability of high-performing CMOs to successfully replicate their models in new markets
  - "You have a group of CMOs who are being promised the world and now have to deliver"
- Portfolio Diversity**
  - Concern that welcoming new operators will constrain the growth of successful local operators with similar models
  - Difficulty of assessing risk of bringing in more of the same, proven model or welcoming CMOs with alternative models (e.g. blending learning)

## District Solutions In-Progress

- Scale**
  - Create multi-district authorizers – district retains yes/no authority but outsources transactional work – would help districts gain scale and meet CMO requirements
- Facilities**
  - Create redevelopment fund to encourage facilities renewal and re-use
  - Leverage federal tax credits and philanthropic money towards facilities
  - Experiment with cross-sharing facilities (have district/charter schools share the "cost of living")
- Quality**
  - Select CMOs for entry based on core competencies in certain demographics, program type, or grade level served
- Portfolio Diversity**
  - Align charter expansion with district innovation strategy by expanding portfolio diversity with blending learning models, for example

## CMO-District Matching Matrix



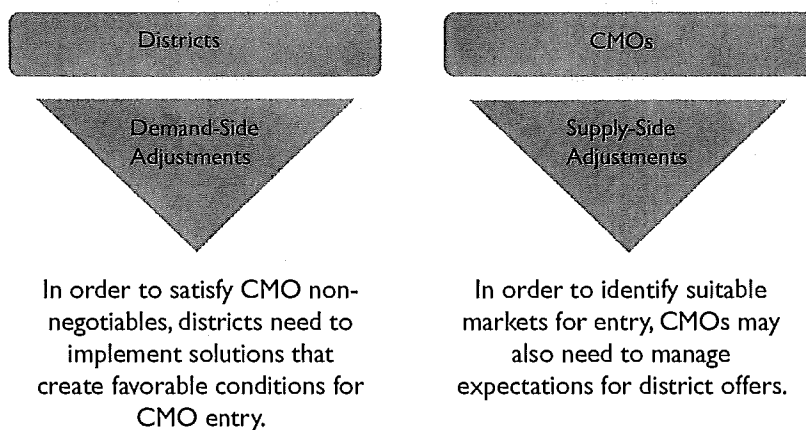
## District Scorecard Against Charter Term Sheet Factors

|              | Human Capital | Startup Support | Access to Capital | Political Environment | Market Timing |
|--------------|---------------|-----------------|-------------------|-----------------------|---------------|
| Denver       | Dark          | Light           | Dark              | Light                 | Dark          |
| Chicago      | Dark          | Light           | Light             | Dark                  | Light         |
| New Orleans  | Dark          | Light           | Light             | Dark                  | Dark          |
| Philadelphia | Dark          | Dark            | Dark              | Dark                  | Light         |
| Memphis      | Dark          | Dark            | Dark              | Dark                  | Dark          |
| Rochester    | Dark          | Light           | Dark              | Dark                  | Dark          |

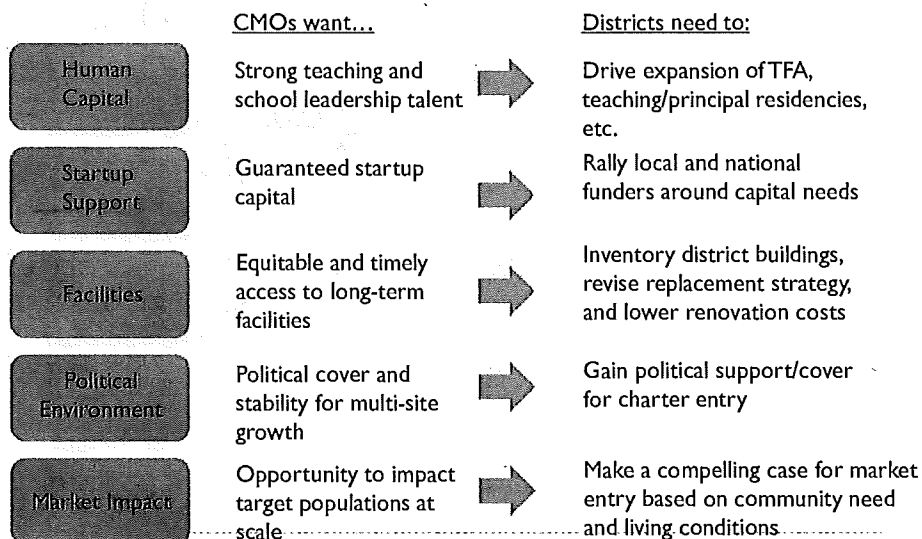
Districts are **most confident** in their ability to provide an attractive human capital pipeline...and **least confident** in their ability to provide access to sufficient startup capital for CMOs.

## Matching Supply and Demand

- Few districts currently meet all CMO non-negotiables



## How Districts Can Meet Supply-Side Non-Negotiables

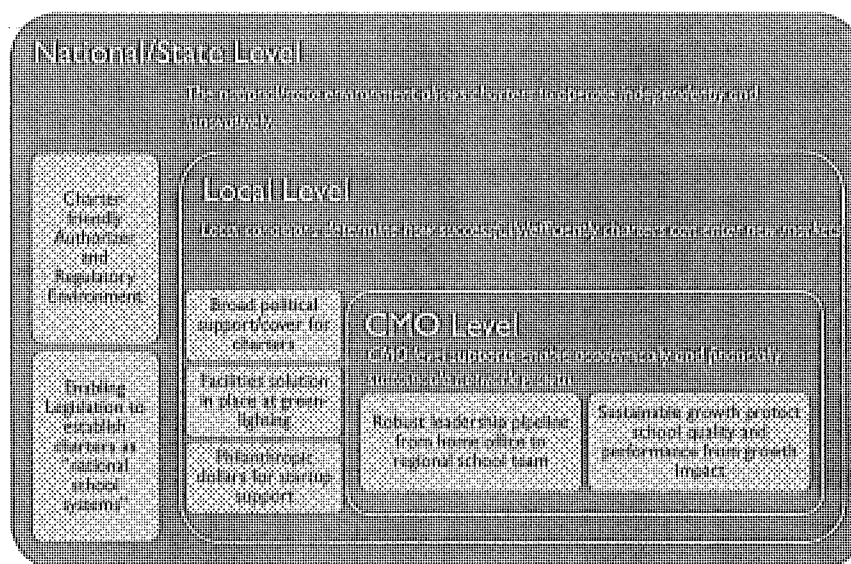




## Supply-Side: CMOs Need to...

- ▶ Provide proof points for their work that clearly indicate what they're good at (e.g. turnarounds, elementary school, serving specific demographic populations)
- ▶ Specify exact startup costs needed, as well as facilities requirements
- ▶ Communicate benefits of scale terms (opening 8 schools would allow us to do xyz) but manage expectations around district ability to meet these requirements

## Ecosystem for Impactful CMO-District Matching



## How BMGF and Other Funders Can Support CMO Growth into New Markets (1 of 2)

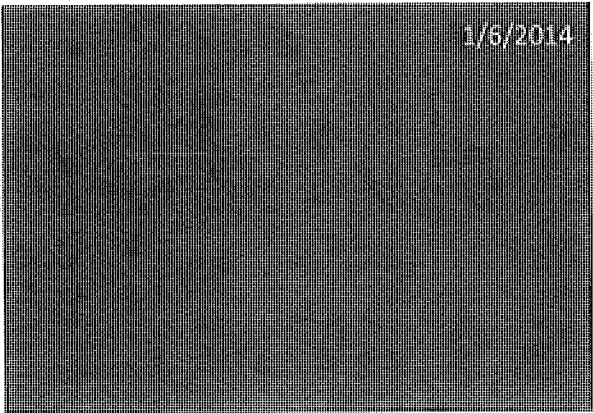
### Direct Grantmaking Activities

| National/State Activity  | Community-Level Activity  |
|--|---|
| <input type="checkbox"/> Build national model for raising startup capital costs for CMOs in new communities  | <input type="checkbox"/> Invest directly in helping CMOs build capacity to create better seats in new markets, with a focus on building out human capital pipelines |
| <input type="checkbox"/> Invest in deep-dive strategies for charters in districts willing to increase their charter market share by 20%-30%          | <input type="checkbox"/> Match local philanthropic funds dedicated to supporting entry of high-performing CMOs  |
| <input type="checkbox"/> Leverage Compact work against CMO supply/district demand matching efforts   | <input type="checkbox"/> Subsidize facilities development and/or brainstorm creative facilities solutions that can become national proof points                     |
| <input type="checkbox"/> Support initiatives that seek to address effective, scalable human capital solutions  | <input type="checkbox"/> Sponsor event with key community leaders in a promising market and national CMOs to help communities "tell their story" to CMOs            |
| <input type="checkbox"/> Fund efforts that focus on transitioning special education programs effectively and equitably into new charter environments | <input type="checkbox"/> Provide startup capital and/or supporting line of credit for planning activities associated with expansion                                 |

## How BMGF and Other Funders Can Support CMO Growth into New Markets (2 of 2)

### Advocacy and Support

| National -Level Activity   | State-Level Activity  |
|--|---|
| <input type="checkbox"/> Gather and share national exemplars around facilities solutions, risk assessment, regulatory models, and quality assurance              | <input type="checkbox"/> Act as an objective but directed matchmaker for CMOs and reform-oriented districts   |
| <input type="checkbox"/> Build resources for high-performing CMOs to prepare for national expansion (e.g. data on startup funding needs, timetables, checklists) | <input type="checkbox"/> Harness BMGF's advocacy voice to shape district and state-level legislative conversations around charter governance/autonomy, facilities, etc. |
| <input type="checkbox"/> Build CMO profiles for districts – show which CMOs have proven success with which populations   | <input type="checkbox"/> Encourage district-charter collaboration, e.g. by integrating charter leaders into district PD efforts in Compact cities                       |
| <input type="checkbox"/> Create community of practice/forums for CMOs and cities/states to share best practices/resources  | <input type="checkbox"/> Provide resources to help CMOs understand unique regulatory/legal requirements in urban communities (e.g. WA state)                            |
| <input type="checkbox"/> Host a RTTT-like challenge for cities/states to create favorable policy environments for high-performing CMO expansion                  | <input type="checkbox"/> Begin to elevate state-level advocacy around charters to thinking about charters as "national school systems"                                  |

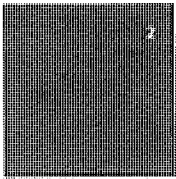


1/6/2014

**Clark County School Choice Landscape**  
Where we are. Where we could be.

1

## Resources



2

- ▣ Gates Report
- ▣ Kevin Hall: CEO, Charter School Growth Fund
- ▣ Ethan Gray: Director, CEE Trust
- ▣ Building Excellent Schools
- ▣ New Schools New Orleans

1/6/2014

## Table of contents

- ▣ Problem we are trying to solve
- ▣ Landscape: Market conditions
- ▣ Landscape: Gates analysis
- ▣ Recommendation: Parallel paths
  - ▣ Recruit a best in class CMO
  - ▣ Build an incubator
- ▣ Next steps

1/6/2014

## 1. We must create the conditions to close the opportunity gap

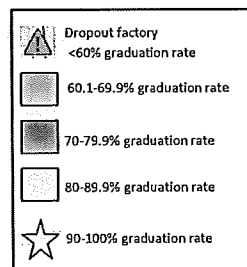
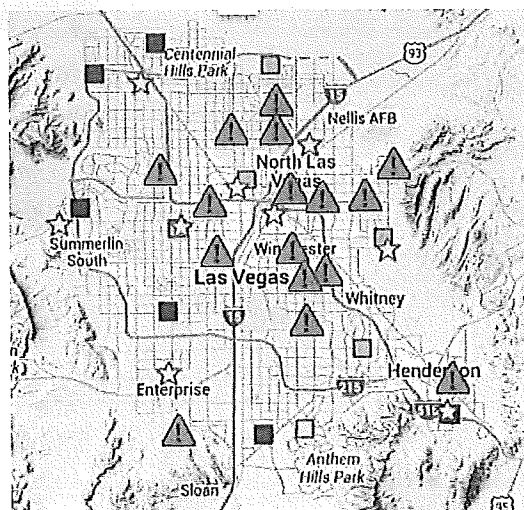
*The opportunity gap continues to be a pressing problem, profoundly affecting the future competitiveness of our city.*

|               |   |
|---------------|---|
| United States | On average, children in low-income communities enter 4 <sup>th</sup> grade already two to three levels behind their higher-income peers.    |
|               | Just half of students from low-income communities will graduate high school by age 18.  |
|               | Those who do will perform on average at an 8 <sup>th</sup> grade level.   |
| Las Vegas     | 25% of Nevada 4 <sup>th</sup> graders scored proficient or above on the 2011 National Assessment of Educational Progress (NAEP) assessment. |
|               | 25% of Nevada's 2012 high school graduates students met all four ACT College Readiness Benchmark Scores.                                    |

1/6/2014

## 2. Our kids in high poverty neighborhoods lack a college and career pathway

Nearly 50% of our public high schools are dropout factories



1/6/2014

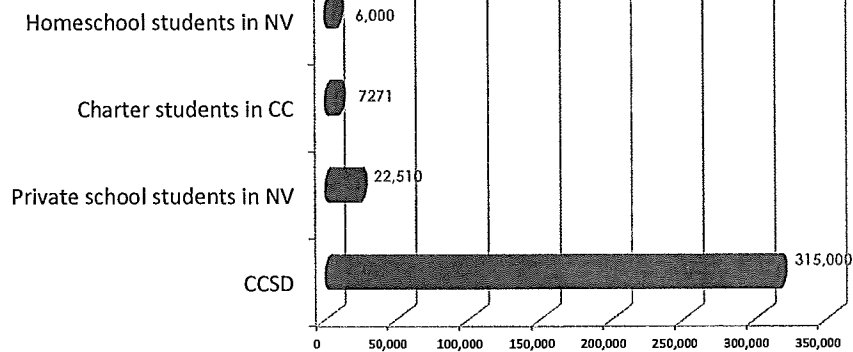
## The Landscape

CHALLENGES & OPPORTUNITIES

1/6/2014

## 1. MONOPLISTIC MARKET

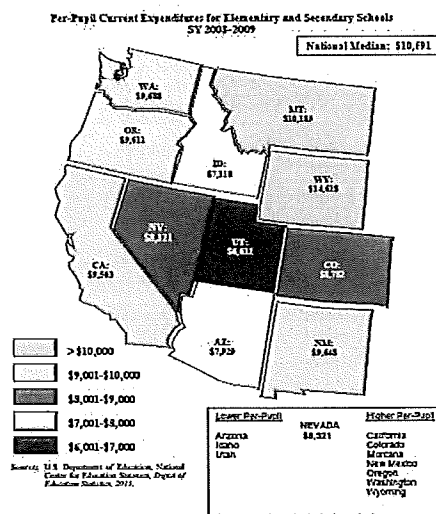
Families lack school choice



1/6/2014

## 2. LOW COST PER PUPIL

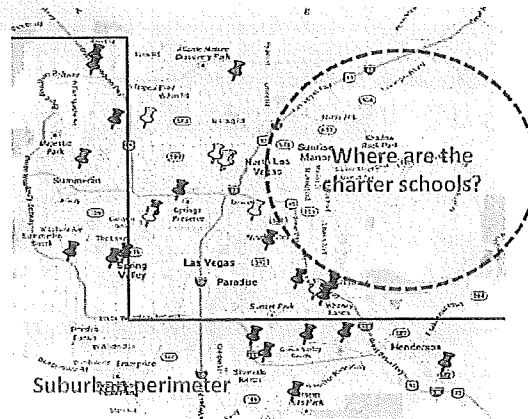
This limits our cost competitiveness with other states



1/6/2014

#### 4. CHARTERS AREN'T ADDRESSING THE PROBLEM

Most of our existing charter schools do not serve a high % of students that qualify for free or reduced lunch, further widening the opportunity gap



1/6/2014

#### 4. CHARTER QUALITY AND DATA IS INCONSISTENT

| School Name           | Year | Stars | Index Score | MGP - Math | MGP - Reading | % Prof - Math | % Prof - Reading |
|-----------------------|------|-------|-------------|------------|---------------|---------------|------------------|
| Beacon Academy HS     | 2013 | 1     | 29.69       | 24.5       | 23            | 42.9          | 67.1             |
| Delta Charter MS      | 2013 | 1     | 24          | 41         | 17            | 3.4           | 24.1             |
| Innovations ES        | 2013 | 1     | 24          | 42.5       | 42            | 43.1          | 34.5             |
| 100 Academy 6-8       | 2013 | 2     | 43.33       | 28         | 38            | 15.4          | 38.5             |
| Discovery Sch ES      | 2013 | 2     | 41.25       | 25.5       | 40            | 45.8          | 61.9             |
| Innovations HS        | 2013 | 2     | 44.79       | 66         | 32            | 61.3          | 65.5             |
| Innovations MS        | 2013 | 2     | 49.33       | 53         | 38            | 27.6          | 36.7             |
| Nevada Virtual Acad E | 2013 | 2     | 38          | 39         | 37            | 49.2          | 57.5             |
| Nevada Virtual Acad H | 2013 | 2     | 36          | 31         | 34            | 58.7          | 76.1             |
| Nevada Virtual Acad F | 2013 | 2     | 41          | 29         | 36            | 25.8          | 45.5             |
| Odyssey ES            | 2013 | 2     | 44          | 38.5       | 43            | 57            | 58               |
| Odyssey HS            | 2013 | 2     | 40.5        | 29         | 47            | 47.3          | 72.6             |
| Quest Acad            | 2013 | 2     | 41          | 36         | 28.5          | 63.8          | 66.2             |
| Rainbow Dreams ES     | 2013 | 2     | 46          | 31         | 34            | 62.5          | 56.7             |
| Agassi ES             | 2013 | 3     | 50          | 33         | 49            | 60.8          | 62.1             |
| Agassi HS             | 2013 | 3     | 57.95       | 58         | 39            | 75.8          | 63.6             |
| Agassi MS             | 2013 | 3     | 55.33       | 49         | 35.5          | 39.4          | 42.5             |
| Discovery Sch         | 2013 | 3     | 53.75       | 32         | 37            | 47.8          | 63               |
| Expl Knowledge ES     | 2013 | 3     | 55          | 52.5       | 39.5          | 70.1          | 59.8             |
| Expl Knowledge HS     | 2013 | 3     | 51.22       | 74         | 68            | 70            | 84.2             |
| Expl Knowledge MS     | 2013 | 3     | 55.67       | 42         | 38.5          | 33.9          | 46.6             |
| Odyssey MS            | 2013 | 3     | 59          | 49         | 37            | 36.3          | 50.2             |
| Pinecrest ES          | 2013 | 3     | 50          | 36.5       | 48            | 69.6          | 76.8             |
| Pinecrest MS          | 2013 | 3     | 55          | 43.5       | 39            | 50            | 60               |
| Quest Acad HS         | 2013 | 3     | 55.81       | 29.5       | **            | 68.4          | 69.5             |
| Quest Acad SCH        | 2013 | 3     | 54          | 42         | 41.5          | 32.3          | 53.2             |
| Silver Sands ES       | 2013 | 3     | 63.75       | 63         | 55            | 71.3          | 76.2             |
| Coral Acad LV ES      | 2013 | 4     | 73          | 54         | 55            | 85            | 83.9             |
| Coral Acad LV HS      | 2013 | 4     | 73.08       | 79         | 67.5          | 80            | 95               |
| Coral Acad LV MS      | 2013 | 4     | 73          | 60.5       | 45            | 70            | 67.7             |
| Silver Sands MS       | 2013 | 4     | 72.5        | 48         | 64            | 56.5          | 56.5             |
| Somerset Acad ES      | 2013 | 4     | 72          | 52         | 53.5          | 78.6          | 84.1             |
| Somerset Acad MS      | 2013 | 4     | 72          | 38         | 49            | 59.1          | 60.1             |
| Nevada State HS       | 2013 | 5     | 93.06       | N/A        | N/A           | 100           | 100              |
| Delta Charter HS      | 2013 | N/A   | N/A         | 46.5       | 47.5          | 30            | 30               |
| Imagine MTN View ES   | 2013 | N/A   | N/A         | N/A        | N/A           | 79.2          | 75.5             |

1/6/2014

## FAMILIES WANT OPTIONS

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*An estimated  
420,000 students  
sat on charter  
school waiting lists  
across the country  
in 2010*

*Andre Agassi College  
Preparatory Academy has  
an average waiting list of  
1000 kids each year*

*CCSD magnet programs have  
waiting lists thousands deep  
for only hundreds of slots  
each year.*

1/6/2014

## Possible CMO Recruitment Landscape Analysis

What will it take to recruit best in class CMOs to Clark County?

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1/6/2014



## What is a CMO?

Nonprofit organizations that start and manage networks of public charter schools.

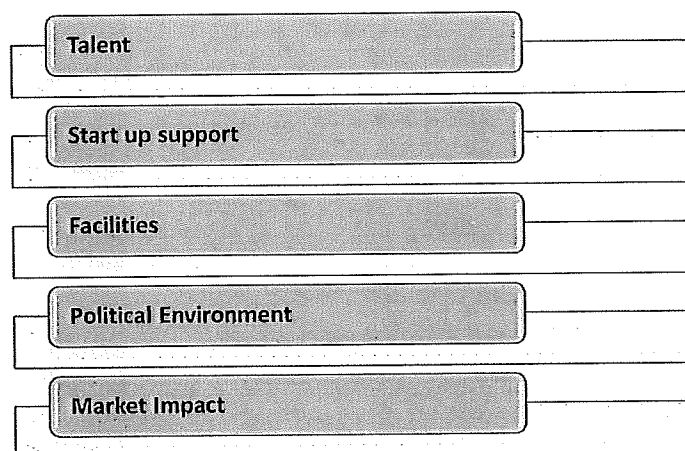
### ■ National Landscape

- CMOs are only reaching a fraction of the kids who could benefit from them
- In 2008, there were 82 CMOs operating approximately 562 schools serving 144,000 students
- 67% of all CMOs are in five states (CA, TX, AZ, OH, and IL)
- In 2011-12, five CMOs widely regarded as among the sector's best--Achievement First, Green Dot, High Tech High, KIPP, and Uncommon Schools-- together operated less than 200 schools and served 61,000 students
- CMOs add, on average, build just 1.3 schools a year, with "rapid expanders" growing by two schools a year

1/6/2014

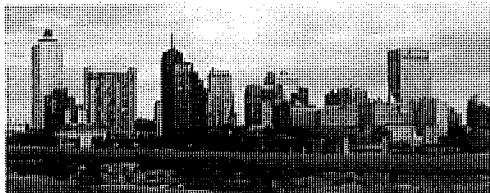
## Recruiting CMOs

*Key categories from the Gates report*



1/6/2014

## Memphis



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### Talent

- Strong Teach For America presence (Nashville & Memphis)

### Start up support

- In 2011, ASD received \$6.8 million in start-up funding
- New operators are eligible for up to \$800,000 to be used for the incubation year and the first 6 months of the new school's operation

### Facilities

- All facilities are free to ASD charters in Memphis
- 2013 Public Chapter 326: A chartering authority could ask the sponsor of an application for a new charter school to instead convert an existing public school
- Public charter schools may seek their own bond funding for facilities, with the chartering authority's approval, or may have their request included with an LEA's bond request. T.C.A. 49-13-124(b)

### Political Environment

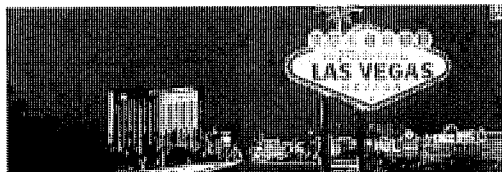
- Tennessee law requires local boards of education to "allocate to the charter school an amount equal to the per student state and local funds received by the LEA and all appropriate allocations under federal law or regulation, including, but not limited to, Title I and ESEA funds."
- Parents or teachers (50%) at a particular school may petition the local board of education to convert an existing school to a charter school
- Local boards of education are the authorizers of public charter schools. They decide which charter school applications are approved or denied

### Market Impact

- Sponsors may apply to the Achievement School District (ASD) to be qualified to help turnaround one or more of the State's lowest performing schools

1/6/2014

## Las Vegas



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### Talent

- 18,500 District Teachers
- Growing Teach For America presence: 270 current corps members, 150+ alumni

### Start up support

- We don't have an existing incubation program or start up fund, but we have interested donors who are excited about a choice model

### Facilities

- Charter schools are unable to use district facilities for operations per statute
- Current public schools are unable to be converted to charter schools, even under SIG
- Charter schools can seek bond funding for improvements and additions
- Canyon Capital may provide a possible opportunity for facility funding

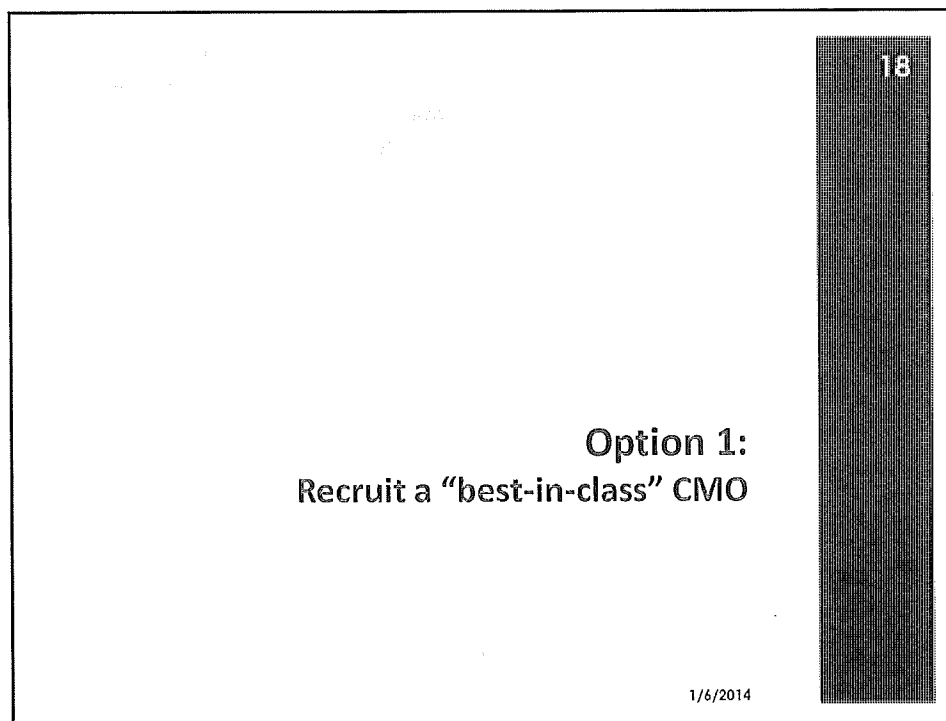
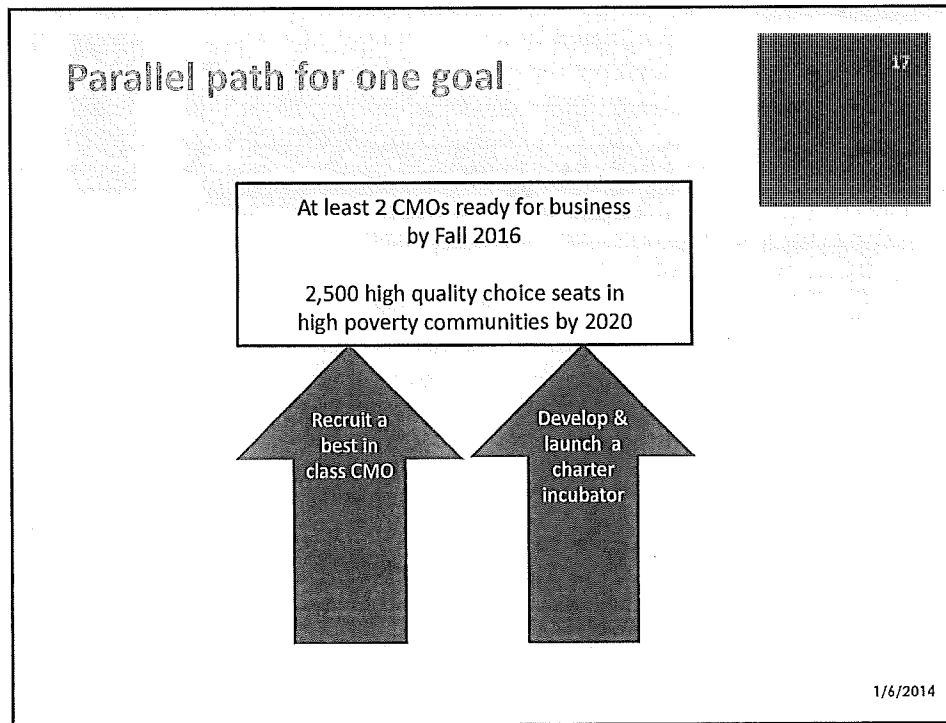
### Political Environment

- Our single authorizer system in Nevada is very appealing, especially for operators in California
- Limited charter presence leads to minimized initial political backlash – scale would likely lead to polarization

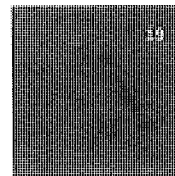
### Market Impact

- As the lowest performing district in the US, a charter operator has a clear opportunity to transform our community and provide children with a better chance in life

1/6/2014



## Recruiting a “best in class” CMO



(-)

- High cost
  - \$3-5M to attract a CMO
  - Sustainability is a concern as schools grow and costs increase, especially among more established CMOs

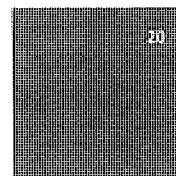
(+)

- Proven outcomes
  - Best in class CMOs have evidence of providing catalytic learning outcomes for kids, especially in high poverty communities
- Experience
  - These CMOs have experience with selection, support, professional development and operations to manage a successful school. While the costs may be higher, there is increased confidence in the pace and degree of their outcomes since they operate proven models

1/6/2014

## Who are the high performing CMOs?

*(This list was compiled from the Gates Foundation report and conversations with leaders across the country.)*



1. [Alliance College-Ready Public Schools](#)
2. [Aspire Public Schools](#)
3. [Democracy Prep](#)
4. [Denver School of Science and Technology Green Dot Public Schools](#)
5. [IDEA](#)
6. [KIPP](#)
7. [Mastery Charter Schools](#)
8. [New Paradigm for Education](#)
9. [Noble Network of Charter Schools](#)
10. [Rocketship Education](#)
11. [SEED School](#)
12. [Uncommon Schools](#)
13. [West Denver Prep](#)
14. [YES Prep Public Schools](#)

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**Option 2:  
Build an incubator**

1/6/2014

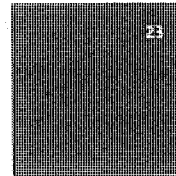
22

**Targeted support for charter school  
incubation is a promising strategy for  
creating more high-quality seats in an era  
of scarce funding.**

Better Choices: Charter Incubation as a Strategy for Improving the Charter School Sector  
<http://edexcellencemedia.net/publications/2011/20111207-Better-Choices/20111207-Better-Choices.pdf>

1/6/2014

## What is a charter incubator?



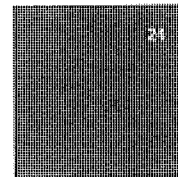
They recruit, select, train, support, and evaluate promising charter leaders. They offer these leaders hands-on support, technical assistance, help securing funding, expertise in finding facilities or obtaining facilities financing, and other assistance.

By offering intensive support and assistance to charter school founders, incubators aim to build the supply of high-quality charter schools and CMOs, but without engaging directly in school management as CMOs do.

Charter school incubators are a new innovation that are emerging in communities across our country.

1/6/2014

## Incubator models



### Building Excellent Schools\*

4.0 Schools, Southeastern US

Get Smart Schools, Colorado

New Schools for New Orleans (NSNO)

Charter School Partners, Minnesota

\* Charter School Incubators: Overview: [http://ccc-trust.org/upload/news/0202116311\\_Pix%20for%20CEE-Trust%20-%20Charter%20CA%20-%20Incubators%20January%2026%202011.pdf](http://ccc-trust.org/upload/news/0202116311_Pix%20for%20CEE-Trust%20-%20Charter%20CA%20-%20Incubators%20January%2026%202011.pdf)

\* Charter Incubation as a strategy for improving the charter school sector <http://www.edexcellence.net/commentary/education-goddy-daily/choice-words/2011/better-choices-charter-incubation-as-a-strategy-for-improving-the-charter-school-sector.html>

1/6/2014

## Investing in an incubator

(-)

- Moderate to high risk
  - This is an investment in an emerging market strategy, with untested outcomes in our community.
- Uncertain leadership pipeline
  - We don't know the capacity or volume of leaders who have the competencies to launch and build CMOs.
- Ground zero
  - This effort will require building an incubator or harbor master from the ground up, requiring operational investment in addition to funding the fellowships for participants.

(+)

- Investment goes farther
  - While this will also cost 3-5 million, that should cover the cost of the CMO incubator team as well as the fellow salaries during their training and startup years.
- Talent
  - We can own the recruitment and selection of local talent, restricting admission to a small group vetted for strong leadership CMO network potential.
- It's about building a network
  - The one point that every charter leader shared across the country was that communities need think beyond charter leaders and create the conditions for a CMO incubator.
- Provide opportunity for our kids in greatest need
  - Our current charter movement isn't addressing the massive opportunity gap our kids in poverty face by being zoned to persistently low achieving schools. An incubator can cultivate and develop leaders who will build pathways in areas of the greatest need.

1/6/2014

## Incubator \*draft\* timeline

| Spring 2014  | Late Spring - Early Summer 2014   | Fall 2014  | Fall 2014 - Fall 2015  | Spring 2016  | Fall 2016  |
|--|---|--|--|--|--|
| <ul style="list-style-type: none"> <li>▪ Build or recruit Incubator</li> <li>▪ Hire Incubator leadership team</li> </ul> | <ul style="list-style-type: none"> <li>▪ Recruit 5-7 HQ candidates</li> <li>▪ Select 6 candidates to launch at least one CMO that will serve at least 250 students</li> </ul> | <ul style="list-style-type: none"> <li>▪ Launch Incubator</li> </ul> | <ul style="list-style-type: none"> <li>▪ CMO network leader training</li> <li>▪ Business plans drafted</li> <li>▪ Fall 2015: charter applications filed</li> </ul> | <ul style="list-style-type: none"> <li>▪ Finalize school launch plan</li> <li>▪ Recruit students</li> <li>▪ Hire teachers</li> </ul> | <ul style="list-style-type: none"> <li>▪ CMO(s) open for business</li> </ul> |

1/6/2014

## Next Steps

1/6/2014

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**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**RETREAT**

**SUPPORTING DOCUMENT**

**S U B J E C T:** General discussion related to Authority operations as a charter school sponsor, including, but not limited to, the following topics

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /x  /  </u> | Information         |
| <u>  /  /  </u>  | Action              |

MEETING DATE: January 9, 2014

AGENDA ITEM: 4

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Kathleen Conaboy, Chair, State Public Charter School Authority

**RECOMMENDATION:**

**FISCAL IMPACT:**

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 30 mins

**BACKGROUND:**

- Intersection of support, autonomy, and accountability
- Authority LEA status
- Human capital needs at the Authority and plan to fill

**SUBMITTED BY:** \_\_\_\_\_

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**RETREAT**

**SUPPORTING DOCUMENT**

**S U B J E C T: Presentations by Authority staff  
in the following areas**

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  / x /  </u> | Information         |
| <u>  /  /  </u>  | Action              |

MEETING DATE: January 9, 2014

AGENDA ITEM: 5

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Katie Higday, Management Analyst, State Public Charter School Authority; Traci House, Business Process Analyst, State Public Charter School Authority; Brian Flanner, Administrative Services Officer, State Public Charter School Authority**

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 30 mins**

**BACKGROUND:**

- Annual Reporting Requirements Manual and AOIS (Katie Higday, Management Analyst)
- Infinite Campus transition (Traci House, Business Process Analyst and Brian Flanner, Administrative Services Officer)

**SUBMITTED BY:** \_\_\_\_\_

| Month 1 | Month 2 | Month 3 | Month 4 | Month 5 | Month 6 |
|---------|---------|---------|---------|---------|---------|
| Jan     | Feb     | Mar     | Apr     | May     | Jun     |

## Infinite Campus Transition

**PHASE 1:**  
Pre-implementation

**PHASE 2:**  
Project Initiation  
& Planning

**PHASE 3:**  
Implementation

**PHASE 4:**  
Go-Live

STATE PUBLIC CHARTER SCHOOL AUTHORITY

RETREAT

SUPPORTING DOCUMENT

**S U B J E C T:** General discussion related to  
contested cases to be heard at a public hearing  
before the Authority

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  /  </u>  | Action              |

MEETING DATE: January 9, 2014

AGENDA ITEM: 6

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Shane Chesney, Senior Deputy Attorney General

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 30 mins

**BACKGROUND:** NRS 233B.032 “Contested case” defined. “Contested case” means a proceeding, including but not restricted to rate making and licensing, in which the legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing, or in which an administrative penalty may be imposed.

(Added to NRS by 1977, 1382)

**SUBMITTED BY:** \_\_\_\_\_

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**RETREAT**

**SUPPORTING DOCUMENT**

**S U B J E C T: Update on NDE activities from  
the Superintendent of Public Instruction**

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  /  </u>  | Action              |

MEETING DATE: January 9, 2014

AGENDA ITEM: 7

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Dale Erquiaga, Superintendent of Public Instruction**

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 30 mins**

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Approval of the November 1,  
2013 SPCSA Board Meeting Minutes**

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  x/  </u> | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 2

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Kathleen Conaboy, Chair, State Public Charter School Authority**

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**RECOMMENDATION: Approve the November 1, 2013 Meeting minutes**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 5 mins**

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

# **NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**November 1, 2013**

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 REGULAR MEETING**

### **BOARD MEMBERS PRESENT:**

#### **In Las Vegas:**

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

#### **In Carson City**

None

### **BOARD MEMBERS ABSENT**

None

### **AUTHORITY STAFF PRESENT:**

#### **In Las Vegas:**

Steve Canavero PhD, Director, State Public Charter School Authority  
Tom McCormack, Education Program Professional, State Public Charter School Authority  
Traci House, Business Process Analyst, State Public Charter School Authority

#### **In Reno:**

Katherine Rohrer, Education Program Professional, State Public Charter School Authority  
Angela Blair, Education Program Professional, State Public Charter School Authority  
Kathy Robson, Education Program Professional, State Public Charter School Authority  
Brian Flanner, Administrative Services Officer, State Public Charter School Authority

Allyson Kellogg, Management Analyst, 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 Las Vegas:**

Shane Chesney, Senior Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

**In Las Vegas:**

Jim LaBuda  
Matt Flowers  
Rich Moreno  
Lawrence Howell  
Rosalinda Kubala  
Heather Howell  
Mark Hesiak  
Ken Fowler  
Brenda Flank  
Ryan Reeves  
David Meckley  
Porter Troutman  
Steven Grubaugh  
Greg Leavitt  
Mario Biasiueci  
Jeff Geihs  
Erik Francis  
Sandra Breece  
Iliana Arroyo  
John Hawk  
Ercan Aydogdu  
Wedni Hawk  
Tiffani Turner  
Erika Capulo  
Chuck Edwards  
Nicholas Oyola  
Renee Fairless  
Adalberto Ronquillo

**In Carson City:**

Steve Werlein



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

President Conaboy called the meeting to order at 9:00am with attendance as reflected above.

**Agenda Item - Public Comment**

None

**Agenda Item 2 – Approval of August 23, 2013 SPCSA Minutes**

Member Abelman had a few minor edits to the draft minutes.

**Member Abelman moved for approval of the August 24, 2013 minutes. Member McCord seconded. The motion carried unanimously.**

**Agenda Item 3 – Authority Update**

Chair Conaboy wanted to ensure that each board member went through the NAC revisions that staff had been working on and to provide feedback and recommendations on the work that had been done thus far. Chair Conaboy also said that Member Abelman be part of the Governance Committee along with herself.

The Legislative Committee on Education had finalized their appointments for the upcoming interim committee with Joyce Woodhouse chairing and Elliot Anderson as the vice chair. There was also a K-12 Funding Committee that would be meeting during the interim to work on the state's Distributive Account funding.

Chair Conaboy also asked that Member McCord and Member Luna continue in their role on the Legislative subcommittee and both agreed to the request.

Chair Conaboy asked for an overview of the NACSA Leadership conference attendees. Member Wahl provided all of the members her notes from the conference. Member Wahl explained that there was a pre-conference for state authorizers prior to the full conference, which she found very valuable. At the full conference she said one of her biggest takeaways was the need for a development of an alternative framework for schools that do not fit the Nevada School Performance Framework.

**Agenda Item 4 – Director's Report**

Director Canavero began his presentation with the Special Education Memorandum of Understanding (MOU). At the prior Authority meeting staff was tasked with the development of the MOU and had met with the charter schools and contracted with lawyer, Paul O'Neill, to work on the MOU. Director Canavero said that he felt that schools' concerns were lessened after they had the opportunity to give input on the MOU and make sure their concerns would be considered in the final draft.

Director Canavero also discussed the timeline for the NAC revisions would have. He also clarified that the State Board of Education is the body that has the control over the education NAC's and that they would be the ones to ultimately act on the SPCSA's recommendations.

Director Canavero also explained his meeting with various stakeholders in Las Vegas to try and work on ways to bring successful charter operators to come to Nevada. The group also discussed how to incubate charter operators from within Nevada to help bring quality charter schools to areas in the state that needs them.

Member Mackedon gave an update regarding her work with the Charter School Association of Nevada. The group had just amended their bylaws in order to allow businesses and other groups interested in schools choice the ability to gain membership in CSAN.

**Agenda Item 5 – Consideration regarding the Application Review Team's recommendation of Academy of Arts and Sciences' charter school application**

Director Canavero began with the recommendation report for Academy of Arts and Sciences:

The Education Program did not meet criteria for approval due to a number of reasons, the most prominent of which are discussed below.

The review team's overarching concern was that elements of the Education Program lacked detail, coordination, and frequently were not aligned with other aspects of the proposal. The proposed school's name and mission implies that the arts and sciences are critical components to the school's theory of action; however, the applicants did not substantiate this focus throughout the application. During the interview the Committee to Form did provide some examples of how the arts and sciences may be included in the instruction at the proposed school but given the prominence of arts and sciences in the school's name and mission the review team would expect clear focus and integration of the arts and sciences throughout the model proposed in the application. Further, the International Baccalaureate (IB) program is mentioned in the mission and several times throughout the application as a desirable program that will attract students to the school but nowhere in the application or appendices is it explained how the IB Program will be implemented at AAS.

The role of the Learning Center Hub and self-described "blended" program remain unclear. It appears participation in the in-person Learning Center Hub activities will be at the discretion of the student when/if a Learning Hub Center is within geographic proximity. The review team concludes that AAS is a distance education school even though it is referred to as a "blended" school throughout the application. The plan for professional development lacked sufficient detail to determine whether it is comprehensive and sustainable. In a list of responsibilities of a principal, the only reference to professional development is this short phrase: "Arrange for appropriate professional development."

The Operations Plan did not meet the criteria for approval because the application failed to provide a coherent plan that appears viable and adequate for the effective implementation of the proposed plan.

The Committee to Form did not include a sound plan and timeline for board recruitment, expansion, orientation of new members and ongoing training. The only training identified for board members would be regarding the Brown Act which appears to be a California specific law governing open meetings. This is a significant omission given the 2013 Call for Quality Charter Schools theme placing an emphasis on effective school governance. Aside from letting community members attend board meetings, there is no effective plan for involving parents, professional educators and the community in the governance of the school.

The Committee to Form did not clearly delineate the roles and responsibilities for administering the school nor include a staffing plan that appears viable and adequate for effective implementation of the proposed program. The review team noted a number of inconsistencies between the plan outlined in this section and the contractual relationship described in the Academy of Arts and Sciences EMO contract. For example, the narrative states: "The Leadership Team will be responsible for creating a staffing plan that will allow for growth as the school grows" though the contract states that all hiring and termination decisions will be conducted by the EMO, Academy of Arts and Sciences.

Other areas of the Operations Plan were unclear or lacked detail to an extent that made it impossible for the review team to conclude that the school could be prepared to open on schedule and successfully serve students. For example, the section describing how teachers will be evaluated states: "The Charter School will abide by the additional evaluation methods that are currently being put in place with the intention of full implementation by 2015." The Assurances were signed by Julie Troletti who is not a member of the Committee to Form the School. The Teacher Recruitment paragraph is unfinished.

The Financial Plan does not meet criteria for approval because it fails to demonstrate an understanding of basic budgeting concepts and the school's financial management obligations. It does not present a budget that aligns

with and supports the academic and operational portions of the school's plan. It presents vague strategies for meeting potential cash flow challenges. It does not demonstrate a commitment to maintaining the financial viability of the school. The number of mistakes in the budgets and cash flow statements undermine the Review Team's confidence in the proposed school.

Financial information that was included with the application received by the deadline was critically incomplete and contained major omissions and errors. The applicant re-submitted financial information after the submission deadline that is still incomplete and full of errors.

Both years are materially misstated because neither includes a beginning cash balance and DSA per pupil amounts for each year are from 3/31/2010.

Cash flow statements include beginning cash balances and expenditures that differ from budgeted amounts, thereby yielding different ending cash balances of \$116,616 for FY15 & \$244,247 for FY16.

The applicant submitted 9 lines of "Budget Narrative" text that does not describe the details of the budget and illustrates a fundamental lack of understanding of Required Element C.1.2. The lack of information renders the budgets unreviewable; impossible to determine if the budget is based on realistic, evidence based revenue and expenditure assumptions.

The review team is unclear why the proposed school submitted a third budget, for the current school year, 2013-14. It includes \$500,000 of direct federal grant money and \$465,000 of undefined expenditures. The table of contents listed a Pre-opening budget as attachment C.1.5, which was not included. There is no explanation for the stated minimum number of students (75) to make the school financially viable. Also missing is Required Element C.2.8, the break-even cash flow statement.

The response to B 3.1 in the 2013 Call for Quality Charter Schools is incomplete and inadequate. The Committee to Form is encouraged to review the evaluation criteria, and the statute and regulation referenced within this section of the Call for Quality Charter Schools as well as the required elements of B 3.1. All the AAS\_EMO schools opened recently (in 2012 or 2013), thus any track record is necessarily of limited scope. In fact, the applicant reports there are no test scores which AAS\_EMO can report from its previously opened schools.

The application contains no evidence of the financial health of AAS\_EMO as demonstrated through an independent financial audit and its most recent annual report.

The contract provided in the application includes provisions that violate statute (NRS 386.562) and regulation.

The application does not meet Evidence of Capacity criteria for approval because the Committee did not contain the required membership, and because of the number and depth of the inconsistencies within the application and the lack of compelling evidence of success of similar schools.

Although some relationship between and EMO and Committee to Form is understandable, there is a troubling lack of separation between the proposed EMO and the proposed school. The liaison for the Committee to Form, Julie Troletti, does not appear to be a member of the Committee to Form (per Cover Sheet Instructions, the liaison must be a member of the Committee to Form) but according to Wesley's response to the Questionnaire, is the Director of Operations for Academy of Arts and Sciences (the EMO). Nuttall was informed of the opportunity to join the Committee to Form by Sean McManus, currently the California-based CEO of the EMO with which the school would partner.

The lack of separation between the EMO and the Committee to Form is compounded by the lack of clear delineation of roles and responsibilities within the design of the school's operations and the school's proposed contract with the EMO.

The Board Member Agreement signed by Wesley, Nuttall, and Stewart do not take the place of the Nevada charter school board affidavit.

The application does not inspire confidence that the proposed board has the requisite capacity to thoroughly oversee and steward a successful charter school.

The Academy of Arts and Sciences' Committee to Form was not present at the meeting and therefore did not present to the Authority.

**Member McCord moved for approval of the staff recommendation for denial of the Academy of Arts and Sciences' charter application. Member Mackedon seconded the motion. No discussion took place. The motion carried unanimously.**

**Agenda Item 6 – Consideration regarding the Application Review Team's recommendation of The Education Academy of Nevada's charter school application**

Director Canavero then explained to the Authority that The Education Academy of Nevada had formally withdrawn their application and would not be heard by the Authority.

**Agenda Item 7 – Consideration regarding the Application Review Team's recommendation of The Founder Academy's charter school application**

Member Wahl disclosed that she knew Richard Moreno and Brenda Flank, but would not be affecting her voting.

Richard Moreno, Committee to Form Liaison, Mark Hessiac, Ken Fowler, Jeff Geist, Brenda Flank and Bob Beers presented on behalf of Founder Academy. Member Abelman disclosed that he had met with Mr. Beers for a different project, but that it would not affect his voting. Member McCord disclosed that Mr. Fowler and his wife had taught together before.

Mr. Hessiac began the presentation about Founders Academy and the mission and vision they would be instilling in the school. The mission of Founders Academy of Las Vegas is to train the minds and improve the hearts of young people through a rigorous, classical education in the liberal arts and sciences, with instruction in the principles of moral character and civic virtue. He said it was modeled after the Ridgeview Classical schools located in Colorado. The Ridgeview School was ranked in the top among public schools in the country. Mr. Hessiac also explained that The Founders Academy proposes to improve opportunities for student in grades K-12 by providing a rigorous, classical education, with instruction in the principles of moral character and civic virtue. The ultimate goal of Founders Academy is to develop the academic potential and personal character of each student. The educational program is based on the Core Knowledge Sequence and is modeled after Hillsdale College and its network of charter schools. Mr. Moreno also added that he felt that this model was exactly what the Authority was referring to earlier in the meeting and he felt that the operation would be second-to-none.

Chair Conaboy asked how the Committee to Form chose the Ridgeview model. He said that he felt this model would work everyone. He feels it will be a challenging school while still being accessible to all types of students.

Member McCord asked if Founders would be advocating a certain type of religion as Hillsdale College had been known to do. Mr. Moreno said no there would be no advocating of religions.

Director Canavero next moved onto the recommendation report for The Founders Academy:

The application approaches rather than meets standards due to several concerns expressed by the review team during the application review process.

Overall, the application presents a compelling mission statement that defines the purpose of the school with research-based evidence for selecting the proposed curriculum and instructional strategies. The application also demonstrates alignment between the chosen curriculum and the mission, vision, and educational philosophy. However, there are some areas of the education plan that need further clarification.

The professional development plan is not as detailed as some of the other sections of the application. The application indicates Barney Charter School Initiative will provide up to eleven days of professional development prior to the first day of school, and although the school calendar indicates that more time has been set aside for professional development, it is unclear exactly how this time will be utilized. The contract with Hillsdale College included with the application does not detail the Hillsdale role in providing professional development.

Rationale behind the selection of grades for the opening first year is troubling. Year one for a school can be instructionally and operationally complicated, and yet the application appears silent on the rationale behind starting with grade levels K-10 and the type of supports that the principal and board will receive in years one and two. Based on the interview it appears the Committee has given deference to Hillsdale's preference of a charter approved to serve all grades, i.e., K-12 and the ability to serve families with multiple students. Given the demographic make-up of the student population of the schools listed in Attachment A.7.3, the plans to address special need populations appears to lack detail specifically when addressing a support system to ensure that all students attain the goals addressed in A.2. Furthermore, the student recruitment plan fails to address possible strategies to attract diverse student populations into the school.

The Operations Plan approaches, rather than meets, the standard due to the Committee's desire to open in their first year serving 11 grade levels.

A number of questions raised by the review team were addressed by the Committee during the interview and provide the review team with information to assess the application in light of the review criteria. For example, multiple reviewers questioned the Committee's understanding of credentialing requirements for teachers in charter schools. The Committee was able to clarify their understanding which is in agreement with law and regulation.

The principle concern of the review team with the Operations Plan is the Committee's ability to successfully implement 11 grades in their first year of operation. The Operations Plan did not contain the level of detail and support the review team would expect of a school seeking such an ambitious and complex undertaking in their first year of operation. For example, a Vice Principal is proposed to be hired during the second year of operation or when enrollment exceeds 350 students.

The Financial Plan meets standard for approval because the plan demonstrates a comprehensive understanding of the school's financial management obligations and presents a budget that aligns with and supports the academic and operational portions of the application. It presents viable strategies for meeting potential cash flow challenges and demonstrates a commitment to maintaining the financial viability of the school.

Budget narratives are comprehensive and descriptive, giving the review team a clear financial understanding of the academic and operational portions of the application.

Cash flow statements contain adequate detail to tie back to the budget and the academic and operational portions of the application.

The review team notes that the financial plan projects \$240,000 in donations; \$80,000 by February, 2014 and \$80,000 during each budgeted year, FY15 and FY16. All three budgets could sustain a lesser amount of donations (as low as \$0), but the pre-opening period prior to 07/01/2014 is also dependent upon a loan from the Account for Charter Schools. This loan is an amount per student, making FY15 enrollment even more critical for this school than a school funding their pre-opening costs some other way.

The applicant states that the minimum number of enrolled students necessary for financial viability of the school is 300, but does not support the number with a break-even cash flow statement, Required Element C.2.8.

It appears there was sufficient due diligence employed in the Founders' Committee to Form selecting Rite of Passage, including receiving proposals from four other service providers. Rite of Passage was selected based on capacity, cost and that it was a Nevada-based corporation. Based on the audited financials provided by ROP, it appears ROP is not only solvent but turning a profit annually. Although ROP does not appear to have experience supporting a charter school with the educational model proposed by Founders, the scope of work is heavily weighted to "back-office" support.

The engagement of Hillsdale College is primarily centered on replicating an existing charter school model. The application includes evidence of performance for only one (Ridgeview Classical Academy) of the charter schools currently related to the Barney Charter School Initiative. Authority due diligence shows that the model has been successfully implemented in two other states; however, the student demographics of the Ridgeview Classical Academy in Colorado and the Founders Classical Academy in Texas are remarkably different from the student demographics of the schools listed on page 108 of the application. The most telling differences are in the student demographics centered-around FRL, ELL, and certain ethnicities.

The success of Founders Academy resides with the school's governing body and their ability to make the necessary adjustments to the program, as needed, to serve all students within the community. The review team believes the Committee to Form brings the necessary skills to enable such successful implementation of the model.

Three of the nine board members are educators (former teacher, retired principal, assistant superintendent). This does not include Councilman Anthony who served as a regent with the Nevada System of Higher Education for 10 years. The proposed board members also have the following areas of expertise: law, real estate, human resources, and accounting. Parents are also represented on the board.

There appears to be a common understanding of the school's mission and vision, all Committee members pointed out the "classical" focus of the education model and at least one educator implemented the "classical" model as a principal (Dr. Geihs).

The review team rating is based on the thoughtful growth plan for the school that includes k-8 in the first three years of operation and, based on performance, expanding the school's grade levels to include high school in subsequent years. The review team has reservations approving the school to serve 11 grade levels in its first year of operation.

The review team is confident that the Committee (and founding board) will successfully implement the program as described in the application and make the necessary adjustments, as needed, to serve all students within their proposed target location.

Director Canavero finished his presentation with the recommendation of: Approve K-10 with a contract to serve K-8 in years 1-3 with possible expansion to serve K-12 in years 4 and beyond based on performance of K-8 in first three years.

Founders Academy was asked back by Chair Conaboy to discuss staff's recommendation to approve the opening of the school for K-8 as opposed to K-10. Mr. Moreno asked to clarify regarding the grades that would be approved for opening. He said that during the application process the CTF decided to trim some of the narrative in their application in order to fit the 50 page maximum. He said that in their edits, they may have cut too much that left the review team confused regarding grades 9 and 10. He said that in order for the model to work the school would need to have K-10 in its first year. Mr. Beers also added that for financial reasons the school would require the K-10 approval as opposed to the K-8 approval. Discussion continued between the Authority and the CTF regarding the capacity of the CTF and its ability to ensure the success of the school with K-10.

**Member McCord made a motion for approval of Founders Academy's charter application for grades K-10 with a 1 year progression upwards and the requirement to report back to the Authority on the academic, operational, and financial performance of the high school. Member Van seconded. The motion carried unanimously.**

#### **Agenda Item 9 - Consideration regarding the Application Review Team's recommendation of Legacy International's charter school application**

Chair Conaboy then called upon the Legacy Committee to Form to present the school's mission and academic goals. Dr. David Meckley, along with the CTF, presented that Legacy International's mission to create a school model based on research and data whose graduates are ranked in top 10% in the nation in academics and performance and recognized for their outstanding scholarship, character, leadership and community service. He also noted that Legacy International College Prep Academy proposes to prepare students in grades 4-12 to become responsible citizens and leaders in national and global arenas. The school proposes to use a blended distance education format and to target student athletes and performers. With a blended model, students would have the opportunity to complete coursework online from a variety of distance education providers such as Connections, Edmentum and Forest Trail, but also have the opportunity to work face-to-face with teachers located at a designated school site.

Director Canavero then presented staff's findings regarding Legacy International's charter school application:

The Education Program did not meet criteria for approval due to a number of reasons, the most prominent of which are discussed herein.

Although the application discusses some excellent foundational ideas and proposes to create a program that could potentially fill a need for students in the target area, there are a number of areas within the educational program that appear unfinished or not fully articulated.

The application discusses the vision of both public and private school adopting the model and having the school grow rapidly to 25 states and 3 foreign countries within its first five years of operation. This type of growth pattern is extreme, particularly for an entity that has never tried its model at full-scale. This assertion, combined with the fact that no detailed plan for how this growth would be executed or how the board would determine when the school was ready to replicate, was concerning.

The curriculum model, Flex/Enhanced Online Blended, is not presented with compelling research-based evidence. There is no apparent explanation why this particular model is necessary to producing graduates who

are ranked in the top 10% in the nation in academics and performance and recognized for their outstanding scholarship, character, leadership, and community service. It is also not completely clear what the educational model will look like once it is fully implemented especially in light of the federal licensing requirements for secondary core courses. At the interview it was apparent that the Committee has not given full consideration to their staffing plan and how, for example, hiring teachers through Connections Academy impacts their ability to evaluate and shape their instructional staff.

The school model has some preliminary plans addressing how to deal with the potentially frequent absences of student athletes/performers; however, despite the fact that coaches are specifically listed as cooperating with discipline and other plans, it is unclear how the school will formally engage with and gain buy-in from these professionals particularly given the school's plans to recruit from a variety of high-performance programs.

Overall, it is unclear to the reviewers if the Committee to Form the School has a solid understanding of the full implications of taking a partially implemented educational plan design (as defined by the Darling Tennis Club collaborative project) and implementing that design to full scale.

The following statement is of concern, because it indicates a lack of understanding regarding the supremacy of the board over any EMO with which the board may contract: "The School Board will either contract with an EMO, or the board itself establishes policy." An EMO should never be called upon to "establish policy" for a charter school; that's the school's board's job.

The proposed school is presented as a "blended learning" one. The application states "We will not accept...distance education only students into our programs." It's not clear how the school would differentiate between what it considers "distance education only students" and all other types of students. What are the types of students? Has the school confirmed with NDE (distance education staff and/or auditors) its distinction between "distance education only" students and students the school intends to enroll? It's not clear how this distinction complies with the guidance provided by the SPCSA, "Use of Online Curriculum..." Given the teacher credentialing requirements of NRS 386.590, it's not clear how four teachers could serve pupils in grades 4-12. Consistent with the comment within the Education Program section it was not clear in the application or interview that the Committee has fully explored and subsequently has a plan for hiring and evaluating instructional staff.

The following types of teachers are identified as staffing the school in year one and presumably employed by the school's board rather than by an EMO: "Four face to face classroom teachers [each with fairly highly specialized license endorsements]..." A fifth (despite the claim of "four") would be "certified in math/science," a highly sought-after teacher for whom the school would have stiff competition in hiring. But unless the distance education provider would also provide teachers (which would make the provider an EMO) the school would need to staff grades 4-8 classrooms (that would take at least 5 elementary-credentialed teachers) as well as core subject classrooms at grades 9-12. It is not clear whether the distance education provider will employ and provide to the school any teachers, and if so, which ones. If all teachers would be employed by the school's board, it's difficult to see how 4 (or 5) could meet the requirements of a grades 4-12 school. If the school anticipates no teachers of record to be provided by an EMO, the school will need to employ such teachers (fully credentialed) for all grade levels and core subject areas.

The facility plans raise a number of concerns, particularly related to the fact that the school intends to negotiate free space and has a very broad range of expected enrollment i.e., 30 – 4,000 students). The proposed EMO has been running a pilot program for two years which is currently housed in one of the spaces mentioned – yet one of the letters of support stated that this facility is already full (presumably making it unfit as a future site). Letters of support from other potential locations made no statements of interest or commitment to the idea of providing free space to the school.



The affidavits submitted are not the Assurances that are required. Provide the signed, notarized Assurances. The lottery method is not the one provided as a model by the SPCSA. If the school wishes to propose a lottery method other than the one provided as a model, it must explain all deviations from the model language. Note the material provided (p. 161) in the last two paragraphs is unnecessary if the model language is adopted.

The justification of performance for the LII (the proposed EMO) is reliant upon the success of a pilot program that has been in operation for three years. According to the interview the pilot project has worked with 18-20 students over the three year pilot. Data were provided in an attempt to extrapolate the performance of the pilot with other schools; however, the size of the pilot program and selective nature of the pilot student sample raise questions among the review team and the school's ability to scale the pilot successfully as a public school.

Given that the role of the EMO, as contemplated in the contracts, includes critical functions related to human capital as well as compliance and finance the questions raised in various sections of this review draw into question the EMO's ability to support Legacy in these important aspects of a school's operation. This concern is compounded by the Committee's rationale to contract with an EMO that is silent on providing services other than providing "...online teachers and an online curriculum in a blended program." It is important to note that the contracts specify a much broader delivery of services that include finance and management.

Additional evidence in the Committee's need to clarify how the two contracts align to efficiently serve the school is found within the scope of work considered under each and the apparent overlap in services. For example, the service agreement with the EMO includes human resource coordination – the EMO will identify and propose for employment qualified principals, teachers, etc... as well as professional development. The second contract, the Trademark License and Affiliation Agreement, includes a scope of work that appears to be included in the service agreement. For example, under the Affiliation Services the EMO will provide "staff selection and training; on site Head of School hiring and training."

The questions surrounding the performance of the existing pilot and lack of clear alignment between the application and various roles of the EMO result in an Approaches Standard rating.

The Committee to Form submitted an application to the Authority for consideration during the 2012 application cycle that was denied. As a result of the review process the Committee received a significant amount of feedback on the application submitted in 2012 – essentially providing a road map to improve the presentation of the Committee's vision for the school. It is apparent to the review team that last year's feedback resulted in some changes to and improvement in the application; however, critical concerns exist year over year. One significant area is the composition of the Committee to Form. The recommendation from 2012 included the following comment under Evidence of Capacity:

While members of the Committee have strong professional experience and training, the insular nature of the Committee, which appears to primarily be a group of the founders' (and EMO principals') friends and colleagues, calls into question the ability of the future board to fulfill its obligations, most notably, holding LII accountable.

The Committee did not fundamentally redesign itself to address the concern noted last year. The addition of two new members – Mr. Judd and Mr. Oyola – does not resolve the insular nature of the Committee. According to Mr. Judd's response to the questionnaire he was informed of the opportunity to serve on the Committee by Dr. Levitt, a principal of the EMO. Mr. Oyola was made aware of the opportunity to serve on the Committee through Ms. Banks, who is also on the Committee. It is unclear whether Ms. Banks has any supervisory responsibility over Mr. Oyola at the Venetian Resort where both work in gaming.

The review team considers the members of the Committee to be highly capable and knowledgeable professionals that may well serve as a school's governing body. However, there appears to be a fundamental and important disconnect between the Committees' capacity and the application submitted for consideration.

After Director Canavero finished his report, Legacy's CTF then came back to discuss the findings with the Authority. The Authority asked questions regarding enrollment projections, school scheduling, and the relationship between the EMO and the charter school itself. The Authority was concerned that the EMO would have too much control over the school's governing body and that the relationship would not be conducive to the governing body being able to hold the EMO accountable. Dr. Meckley said the school would have policy control and the EMO would be consulted but not relied upon to develop those policies. Discussion was also held regarding the distance education portion of the application and the distance education application that had been submitted to the Nevada Department of Education.

**Member Abelman moved for approval of the staff recommendation for denial of the Legacy International College Preparatory Academy's charter application. Member Mackedon seconded the motion. No discussion took place. The motion carried unanimously.**

#### **Agenda Item 9 - Consideration regarding the Application Review Team's recommendation of Mater Academy's charter school application**

Sheila Moulton and members of Mater Academy's CTF began their presentation with the school's mission and academic goals. The mission of Mater Academy of Nevada is to provide an innovative, challenging, multi-cultural curriculum, preparing students to be global citizens and have a competitive edge in the 21st century workforce. Mater Academy of Nevada aspires to have students to obtain a thirst for knowledge and a belief in the students' self-efficacy. We strive to have the Mater Academy of Nevada community to be actively involved in the learning of its students. The Mater Academy proposes to improve the academic achievement of at-risk pupils in grades K-8 by providing an innovative, challenging, multi-cultural curriculum. The ultimate goal of Mater Academy is to prepare students to be global citizens who have a competitive edge in the 21st century workforce. Instructional strategies include the use of teacher modeling, scaffolding, group practice, peer teaching, integration, and practice and review. The educational program of this school is modeled after Mater Academies located in Florida.

Director Canavero then detailed the Mater Academy's Charter Recommendation:

The application only partially meets standard. Although the application presents a compelling research-based mission, vision, and educational philosophy, the application does not clearly demonstrate alignment between the mission, vision, and educational philosophy with the school's curriculum, pedagogy, professional development plan, and targeted at-risk population.

The mission, vision, and educational philosophy detailed in the application are aligned and embedded in research around Partnership for 21st century skills and Ted Sizer's Coalition of Essential Schools Common Principles. However, the mission statement mentions global citizens and a multi-cultural curriculum, but the vision and educational philosophy fail to explicitly call these out and explain how the school will obtain this part of the mission. Furthermore, the curriculum model, instructional strategies, and professional development plan fail to align with the mission, vision, and educational philosophy. The overview of the curriculum is comparatively silent on the uniqueness of the at-risk population being targeted nor does it speak to multi-culturalism, self-efficacy, cross-cultural competence, college and career readiness, or the 21st century key skills outlined and defended in A.1 of the application.

The application indicates that Mater Academy of Nevada is replicating the Florida Mater Academy charter school network which is a "National Demonstration School for the College Board's Springboard curriculum which promotes critical thinking and segues into AP coursework." However, the application fails to

sufficiently describe the curriculum being replicated in order to produce the results outlined in section A.2.4. Nor does the application provide sufficient detail to determine faithfulness to the Mater school model in Florida.

Only one educational goal written in A.2 is connected to the at-risk population being targeted. But specifics on how the desired outcomes would be obtained were not discussed in the curriculum, instructional strategies, and professional development plan. The application indicated that Mater Academy would provide onsite professional development. It also indicated that on-site coaching in instructional strategies for students of poverty, at-risk and ELL would be provided. However, the apparent connection between the instructional strategies in A.3.12 and professional development in A.3.13 is missing.

Overall, the application fails to create a clear picture of how the mission, vision, and educational philosophy so clearly defined in the beginning of the application can be obtained using the current education plan outlined in the rest of section A. It is also not clear how the curriculum, instructional strategies, and professional development plan will meet the specific needs of the at-risk student population being targeted.

The application did not present a staffing plan that appears viable and adequate for effective implementation of the proposed Educational Program. The review team's primary concern is the lack of alignment between the school's mission, vision and target population and the qualifications or skills needed to teach at Mater Academy of Nevada. The staffing plan read as if it could be applied to any school with no unique qualifications or skills identified for the instructional leader and teachers that directly ties to the Education Program, no mention of ESL or bilingual certification, and no mention of experience or knowledge of working with students living in poverty. Further, Attachment 3.2 states that students may be provided instruction in Spanish – the school will need bilingual teachers in order to meet this need but there is no mention in the Operations Plan of how the school plans to overcome this challenging staffing requirement. Based on the Operations Plan, it does not appear to the review team that the Committee is well versed in the abundant literature on the topic of attracting and retaining effective teachers in high need schools.

The organizational chart was rather unclear, listing both Academica and the board as overseeing the principal. Teacher aids do not appear to have any direct connection to the principal implying that they are to be supervised and evaluated by teaching staff. The budget section of the application also indicates there will be only three of these staff members.

No plan for the evaluation of the school leader was apparent.

The Committee's decision to affiliate with Mater Academy, Inc. is worthy of discussion. According to the application and the interview it appears the Mater Academy, Inc. affiliation was introduced to the Committee by representatives from Academica, and it was Academica that recommended a partnership with Mater Academy, Inc. Whether the Committee independently researched other "designs" or models is not expressly stated within the application. It is entirely unclear what the Committee gains from such an affiliation given the present expertise represented on the Committee.

The application did not contain a clear plan or timeline for hiring the school leader, nor did the Committee articulate who would be responsible for which day-to-day activities of the school beyond the fact that Academica will take care of most business functions.

Responses to several questionnaire items are missing from all members of the Committee which are questions regarding conflict of interest disclosure.

The Financial Plan does not meet criteria for approval because it fails to demonstrate an understanding of the school's financial management obligations. It does not present a budget that aligns with and supports the

school's plan. The number of mistakes in the budgets and cash flow statements undermines the review team's confidence in the proposed school.

The proposed school's strategy for meeting potential cash flow challenges is entirely dependent upon per student enrollment fee reductions from its EMO and forgiveness of a loan by the EMO if the proposed school is not granted a charter. Such cost reduction measures are dependent upon an unrelated entity and present the appearance of a relationship that is not "arm's-length" in nature.

Budget narratives do not always support the numbers included in the budget nor are they always the same numbers included in the cash flow statement. Such inconsistency leaves the review team uncertain, when there is a difference, which numbers and narratives upon which to rely, making it impossible to determine if the budget is based on realistic, evidence based revenue and expenditure assumptions.

What appears to be a pre-opening budget (not labeled) relies wholly on a line item described as donations, yet the budget narrative describes the revenue as a loan from the EMO. Further complicating this understanding, no loan repayment is included in the cash flow statements.

There is no explanation for the stated minimum number of students (125) to make the school financially viable, including no break-even cash flow statement, Required Element C.2.8.

The printed cash flow statements delivered to the Authority were truncated such that there were no revenue or expense titles or total columns, rendering them unreviewable. Fortunately, the review team was able to reprint the documents from the electronic application. Nevertheless, this combined with math errors and inaccurate budget narratives further undermines the review team's confidence in the proposed school's Financial Plan.

The proposed contract between Academica Nevada, Inc. and Mater Academy of Nevada submitted with the application contained a prohibited provisions specified by NRS 386.562 (i.e., an initial term of 6 years).

Academica Nevada, LLC currently has active contracts with three existing Nevada charter schools: Pinecrest Academy, Somerset Academy and Doral Academy. Somerset Academy became operational in fall 2011 and Pinecrest in fall 2012 and Doral in fall of 2013. In terms of operational performance the Authority's experience with the schools has been positive. In terms of financial performance for Pinecrest and Somerset, the Authority profile indicators are strong, both in the near term and from a sustainability perspective. There are no data for Doral as it became operational this year.

Thus far, all Committees that elected to contract with Academica Nevada, Inc. have also elected to "replicate" a charter school and therefore engage in an affiliation agreement with the charter school located in Florida. With respect to the "replication" and affiliation agreement, in terms of academic performance, Pinecrest received "Approaches" on the Authority framework and 3 Stars (k-6 and 7-8) from the state, Somerset Academy received "Adequate" on the Authority framework and 4 Stars (k-6 and 7-8) from the state. Again, no data exists for Doral as it is in the first year of operation.

Although performance of the Mater Academy, Inc. family of schools initially looked relatively strong (8/23 receive an A from Florida, 2/23 receive a B from Florida), out of 23 total schools open in Florida, 2/23 received a C, 1/23 receive a D, 5/23 were too small to report, 1/23 received an I, and the remainder, 4/23 are too new to receive a letter grade. Over 1/3 of the portfolio appears to be three or less years old.

The Trademark License and Affiliation Agreement between Mater Academy, Inc. and Mater Academy of Nevada allow the school to use the Mater Academy name in the development of the school and to promote the fact that the school will affiliate with Mater Academy and replicate its successful educational best practices and methods. Additionally, the agreement provides for Mater Academy, Inc to monitor the conduct and performance of the school and provide on-site training, assistance with attainment of accreditation and other areas identified by Mater Academy of Nevada. Given the narrative of the application did not address the desire

for this partnership in-depth, it is critical to determine the extent to which Mater Academy, Inc. leadership team (and which members) are prepared to devote themselves to actively assisting in the implementation of their program on the other side of the country.

The Committee to Form brings a wide array of experience and expertise to found and sustain a quality school. The Evidence of Capacity only partially met criteria for approval due to concerns noted in the recommendation report. The review team observes a fundamental disconnect between the Committee's wealth of experience and knowledge and the sections of the application that convey a rather generic approach. The interview made clear that members of the Committee have the expertise to provide the detail within the application to align all sections to their compelling mission to serve this at-risk population.

Given the knowledge and experience of the Committee and the application the review team questions the "value add" of the affiliation with Mater Academy, Inc. Based on the interview and academic results it was not evident that the Mater Academy, Inc. model is well defined or that they have "cracked the code" resulting in significant academic gains across the network of schools. Alternatively, the Committee was well versed in strategies and tools needed to be successful in working with their proposed at-risk target population. The review team has confidence that the proposed governing body has the capacity to remedy the identified deficiencies within this report and resubmit the application within the 30-day resubmission window.

Members of Mater Academy's CTF and the Authority discussed the at-risk designation of the application. SPCSA staff had noted that the research involved in choosing the at-risk determination was not fully thought through. The Authority recommended that this portion of the application be strengthened during the resubmittal. Member McCord thanked the committee for their dedication to providing quality education for pupils who need in most in Clark County.

**Member McCord moved for approval of the staff recommendation for denial of the Mater Academy's charter application. Member Van seconded the motion. No discussion took place. The motion carried unanimously.**

#### **Agenda Item 10 - Consideration regarding the Application Review Team's recommendation of Nevada State High School II's charter school application**

Dr. John Hawk, CTF liaison, Dr. Wendi Hawk and NSHS II CTF members presented their mission to the Authority. NV State High School II proposes to create a dual credit high school where students in grades 11-12 can complete their high school graduation requirements while enrolled in college courses. The purpose of the school is to develop future professionals with the habits for college success. The proposed instructional delivery is a supported dual-enrollment model following a college school calendar year supported by three high school elective courses designed to provide students with the necessary skills for college success.

Director Canavero moved to detailing the Nevada State High School II's Charter Recommendation:

The application only approaches standards due to a few concerns articulated by the reviewers. Overall, the application is cohesive and describes a promising model that is already working in a current charter school. The application provides justification for the decision to use a college-like environment where students are able to take actual college courses during grades 11 and 12 rather than providing a more typical college-prep course sequence in a high school setting.

Some of the concerns expressed by the reviewers included the lack of detail concerning an in-depth discussion regarding need for the school with members of the new community where the school will be located, the school's discipline plan which appears to be designed to remove students who do not already fit the college bound mold, and the fact that the calendar is not approved by the Authority, rather approval/denial remains within the jurisdiction of the Nevada Department of Education.

Collectively these concerns lead the reviewers to question whether the school will be increasing the percentage of students who graduate and attend college or merely will be facilitating the inevitable success of some of the targeted area's most well-positioned students.

The application positions the founding board appropriately in relation to the concept of governance versus management. The board has identified the need to appropriately orient new members and to provide ongoing training to those serving on the board. The application provides a detailed accounting of how the board intends to seek highly qualified new members. The school's statement on page 35 alluding to the fact that there will be times when outside assistance is needed to determine the correct course of action, and the board will not hesitate to seek such assistance, appears proper and a positive indicator.

Although not in the application the interview did address a review team concern regarding an organizational structure that includes part-time administration at the NSHS II that will result in a part-time administration at NSHS. The Committee's rationale for part-time administration centered on budgetary concerns with the goal of transitioning both Hawks to full-time at NSHS II and hiring a new administration for NSHS. The Committee referred to this strategy as a "bread crumb approach".

It's not clear why two different enrollment window dates are provided (April 15, 2014, and May 1-15). The lottery description in the application does not completely match that offered as guidance by the proposed sponsor (see the SPCSA website; see "Resources for Schools"). The applicant needs to either explain variations from the guidance provided by the proposed sponsor or use the language suggested by the proposed sponsor.

The Financial Plan meets standard for approval because the plan demonstrates an understanding of the school's financial management obligations and presents a budget that aligns with and supports the academic and operational portions of the application. It presents viable strategies for meeting potential cash flow challenges and demonstrates a commitment to maintaining the financial viability of the school.

Budget narratives are comprehensive and descriptive, giving the review team a clear financial understanding of the academic and operational portions of the application.

Cash flow statements contain adequate detail to tie back to the budget and the academic and operational portions of the application.

The application is based on per pupil funding from 4/25/2012, overstating revenue by less than 1% each year.

FY15 & FY16 budget for receipt of \$10,000 of federal E-Rate telecom/internet funding. Receipt of these funds is uncertain, but not critical to the sustainability of the budget.

The pre-opening budget submitted in response to Required Element C.1.5 comprehensively documents projected expenditures of \$100,000, but does not indicate a source of revenue to pay for them. The review team's concern is minimized by the inclusion in both the budget and the cash flow statements of repayment of a \$100,000 loan.

The applicant states that the minimum number of enrolled students necessary for financial viability of the school is 65, but does not support the number with a break-even cash flow statement, Required Element C.2.8.

A cornerstone of the Authority's strategic plan's theory of action is the replication of successful schools. Existing models seeking to replicate within Nevada provide the Authority with a performance basis to assess the future performance of a replicated school.

Nevada State High School II would replicate the model used by Nevada State High School in Clark County. Nevada State High School opened in 2004 under the NV State Board of Education and is currently a SPCSA sponsored charter school. Nevada State High School started with an enrollment of 40 students and has built that enrollment up to 245 students in the last nine years. The school has consistently made AYP and has consistently, since 2005, been designated as either high achieving status or exemplary. Nevada State High School was designated as a "Quality" charter school according to the Authority's performance framework. Graduation rates for Nevada State High School have also been consistently high, being reported at 100% for most years.

NSHS's June 30, 2013 Financial Performance Framework profile indicators are strong, both in the near term and from a sustainability perspective.

NSHS's independent audit report annually shows that their financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate remaining fund information, and the respective changes in financial position in conformity with accounting principles generally accepted in the United States of America. The auditor's consideration of internal control over financial reporting did not identify any deficiencies in internal control considered to be material weaknesses. Nevada State High School's outcomes are compelling and provide evidence of an effective program for Clark County.

The review team understands the construction of the Committee to Form includes three different "roles" that differentiate a member that serves the Committee to develop and submit the application versus those members of the Committee that apparently will serve on the school's first governing body. The primary concern of the review team is the insular nature of the Committee and lack of prior board experience of its members.

The Committee to Form includes five of the nine members that are either currently employed by NSHS or plan to be employed by NSHS II. It was unclear to the review team the benefit of composing the Committee in this manner given the obvious questions raised by having a supervisor/employee serve on the same Committee. Only one, Ms. Holdaway, member of the Committee to Form has prior experience serving on the PTA at Bonner Elementary School.

The role of the Hawks in scaling NSHS to two campuses is critically important and considered an asset to this proposal; however, equally important will be the role of strong governance to ensure the continued success of NSHS and the successful implementation of the independent NSHS II. The insular quality of the CTF manifests itself in, among other things, an apparent over-dependence on the administrators John and Wendi Hawk. Those acquainted with the "flagship school" and this application for replication of the flagship school may find it difficult to picture the continuation of either school should the Hawks for any reason leave employment at the school. Application reviewers are aware of no administrative succession plan for either the flagship or proposed schools.

Expanding the Committee to Form to include members with board experience who are neither employees, contractors nor relatives would improve the application. Developing a succession plan is necessary to ensure the continued performance of NSHS and the successful start-up and ongoing operations of NSHS II.

After Director Canavero completed his presentation, NSHS II's CTF then were called back to discuss the SPCSA staff's findings. One point of clarification for the Authority was the decision to start an entirely new school that would be autonomous from Nevada State High School I. The issue of capacity was raised; however Members McCord and Mackedon liked the idea of the two schools standing alone on their own successes or failures. Director Canavero also added that with this replication, there would be two unique boards that would each oversee the two separate schools.

**Member McCord made a motion for approval of the staff recommendation for denial of Nevada State High School II's charter application. Member Abelman seconded the motion. No discussion took place. The motion was unanimous.**

**Agenda Item 11 - Consideration regarding the Application Review Team's recommendation of Telesis Academy's charter school application**

Dr. Sandra Breece along with Telesis Academy's CTF presented the mission and academic goals to the Authority. Telesis Preparatory Academy is committed to offering curriculum individually designed and delivered to meet the needs of each student in real preparation for lifelong learning. Telesis proposes to improve academic achievement for students in grades K-12 with a multi-age curriculum model. The ultimate goal of Telesis is to foster a learning environment that challenges students without frustration. Some of the proposed instructional strategies include differentiated instruction and mastery learning. The proposed school would be modeled after the Telesis Preparatory Academy in Arizona.

Director Canavero began by detailing the Telesis Academy's Charter Recommendation:

The application only partially meets standard due to a number of unmet evaluation criteria.

The Committee to Form does not present research-based evidence for selecting the proposed curriculum and instructional strategies. Within the application there is a lot of discussion of the structure of classrooms but the curriculum narrative is one paragraph that states the curriculum will be based on Common Core and Nevada standards. Given the Authority's expectation that schools will offer a research-based, rigorous curriculum, this is a significant omission. During the interview the Committee to Form commented that they want to use the curriculum already in use in Arizona, but that they don't want to assume what works in Arizona will work in Nevada and intend to remain flexible. While it is understandable to desire some level of flexibility, the review team didn't see within the application clear criteria to drive this key decision. It is noted that during the Interview the Committee to Form mentioned the establishment of a Curriculum Committee – the review team did not find such a committee included in the application's description of the proposed structure of the school. The application identifies no fewer than 15 instructional strategies and best practices to be incorporated at Telesis Preparatory Academy – Effective Elements of Instruction, T4S, 8 Standards of Mathematical Practice, Portfolio Assessment, Project-Based Learning, Service Learning, etc... While not mutually exclusive, the number and significance of the strategies included render meaningful implementation with a high degree of fidelity practically impossible. Without a clear understanding of how and why certain strategies are employed within the structure of the school the review team is left with the impression that the applicant included most of the instructional strategies currently in mode without giving complete thought to the plan and implementation of all strategies.

In consideration of the academic performance of the Telesis Preparatory Academy in Arizona (the model school to be replicated in Washoe County) the review team noted the absence of "lessons learned" in how the model has been modified in AZ to better serve enrolled students and how those lessons would translate into the context of Washoe County. It is not clear to the review team that the present Committee to Form (the Nevada-based members) conducted a thorough analysis of the model's performance in Arizona.

Based on the application and the interview the review team's concern that the Committee to Form appreciates the staffing needs for the successful implementation of the proposed program remains unresolved.

The relationship between Telesis Preparatory Academy, AZ (Telesis AZ) and Telesis Preparatory Academy, NV (Telesis NV) appears to be loosely defined and based on mutual trust. The Committee to Form is correct in assuming some relationship is necessary; however, the lack of a contract or other written agreement that explicitly defines services to be provided by Telesis AZ to Telesis NV is troublesome. Given the Committee's



reliance upon Telesis AZ (e.g., “job share business staff”, part-time share of the CEO Sandra Breece, business office duties, curriculum development, carrying out the philosophy of the school in the correct manner) the review team would expect a contractual agreement between the entities that not only protects Telesis NV and the enrolled students but also provides a clear outline of the organizational systems needed and to be developed for purposes of accurate budgeting. The Committee is encouraged to research other replication charter schools and the strategies used to ensure that both the model and replication school are well positioned to scale-up successfully.

Further complicating the relationship between the two entities is the conflicting language in the application and the responses in the interview regarding how long the relationship between the two entities will exist and whether or not the relationship will include compensation. The staffing plan suggests that Sandra Breece (the “Superintendent”) would, in the beginning, work for free, but later would be “hired” by the board. The response in the interview suggested that Telesis AZ expected Telesis NV to “be on their own two feet” in 5 years. No plan to transition Telesis NV away from Telesis AZ was found within the application nor was any discussion of the critical human capital necessary to replace the support from Telesis AZ.

The Financial Plan does not meet criteria for approval because it fails to demonstrate an understanding of basic budgeting concepts or the school’s financial management obligations. It does not present a budget that aligns with and supports the school’s plan. The number and depth of mistakes in the budgets and cash flow statements as well as the lack of internal alignment with the proposed education and operations plan severely undermines the review team’s confidence in the proposed school.

The budget, as explained by the narrative, neglects to include employee retirement (PERS). Inclusion of this expenditure would reduce ending cash balances by \$140,000 in FY15 & \$177,000 in FY16.

The Nevada Superintendent (Arizona Head of School) is described in the budget as a zero cost consultant; however \$40,000 is budgeted in both years for travel from AZ to NV and/or an apartment in NV. It is uncertain whether this would continue as a zero cost service. Year two budgets the Superintendent for .25 FTE X \$25,000, incorrectly equal to zero dollars. Then, the budget narrative curiously states “5% raise assumed in Year 2.”

Budget Form 7 – “Indebtedness”, was not completed for FY15 to account for the \$100,000 loan from the Arizona charter school. The loan was also not budgeted as a revenue source, putting it in conflict with the FY15 cash flow statement, which includes it as a beginning balance. The pre-opening budget states that “The loan will be payable at the end of FY16.” In apparent conflict, it goes on to say “the school has included the expenses it needs to complete the loan payments in budget year one.” The budget for FY15 includes no such repayment under “Debt Service” in either the detailed budget or the narrative. FY16 includes only \$25,000 in the detail, but zero in the narrative. It is also omitted from the cash flow statements as a separately identifiable line item.

When descriptions are comparable, budgeted amounts do not always match the same description on the cash flow statement, giving rise to the question of which is accurate; impossible to determine if the budget is based on realistic, evidence based revenue and expenditure assumptions. For instance, FY15 “Supplies”, per the budget are \$309,800. The same description on the CFS is \$259,800.

The application says “Telesis Preparatory Academy in Reno, Nevada will utilize the business office at the Telesis Preparatory Academy in Lake Havasu, Arizona, a non-profit charter school, to help them get started while building their school and enrollment. A small fee to offset the AZ charter school costs of time will be charged to the school...” The amount of this fee is uncertain, as it is buried in a \$75,000 “Accounting and Auditing Services” budget line item. It is also impossible to determine if this fee is included in the cash flow statements, as it is not identified separately.

Telesis Preparatory Academy, AZ appears to be financially sound based on the audited FY12 report and a conversation with the school's sponsor in Arizona. The FY12 audit did not identify any deficiencies in internal controls over financial reporting.

A cornerstone of the Authority's strategic plan's theory of action is the replication of successful schools. Existing models seeking to replicate in Nevada provide the Authority with a window into their academic performance in other environments with which the Authority may infer the model's performance in Nevada. Extrapolating the academic performance from Telesis Preparatory Academy, AZ to the proposed location in Washoe County is based on the academic framework used in Arizona which is similar to the Authority's.

The review team evaluated Telesis Preparatory Academy, AZ student achievement using the information provided within the application and due diligence by Authority staff. Due diligence included review of the Arizona State Board for Charter Schools academic performance results for 2012 and 2013. Telesis Preparatory Academy, AZ (K-8) received an overall "Does not meet standard" in both years and a letter grade of "C" based on Arizona's state accountability rating. Telesis Preparatory Academy, AZ (9-12) received an overall rating of "Does not meet standard" in 2012 and "Meets standard" in 2013 with a letter grade of "C" in both years based on Arizona's state accountability rating. According to the sponsor Telesis Preparatory Academy, AZ is not eligible for expansion within Arizona due to their academic performance not meeting the thresholds established in policy.

Additional student achievement data were included by The Center for Student Achievement (a third party associated with the Arizona Charter School Association). The Center for Student Achievement gave Telesis Preparatory Academy, AZ a grade of "C" in 2012 and 2013 based on its test performance. One recommendation of the third party report is the need to further differentiate student learning – this is a concern because a hallmark of the Telesis "model" is differentiated learning.

The Committee to Form the school are professionals with a clear interest and desire in charter schools and evident enthusiasm to provide a quality choice for Nevada families. The Committee is commended for bringing forth the idea of Telesis NV; however, questions and concerns exist regarding the composition of the Committee (and future board) that largely stem from the lack of clarity found within the application and interview.

Three members of the Committee to Form reside in Arizona; two are related: Sandra Breece (CTF Liaison) and Ryan Breece. Two of the members, Mario Biasiucci and R. Breece, appear to be employees of S. Breece. Two of the members of the Committee to Form that reside in Nevada are related: P. Butters and A. Juve. No strong rationale exists to justify why relatives serve on the Committee to Form; why three of the 8 members of the Committee (including the Liaison) reside outside of Nevada; and why two employees of the Liaison serve on the Committee.

If the "Telesis Center for Learning, Inc. DBA Telesis Preparatory Academy," referred to in the application not as an EMO but as the school model to be replicated, would indeed receive any money from the school, the membership of the Breeces and M. Biasiucci violates regulation. All three are employees of Telesis Preparatory Academy.

Sandra Breece intends to serve on the school's board, but is identified in the Organizational Chart as the "Superintendent" reporting to the school's board; school employees may not serve on the school's board.

It is not clear which members of the Committee to Form meet the statutory membership requirements. Two members of the Committee to Form have prior board experience: S. Breece has board experience and Saunders has experience serving on a Home Owners' Association.

Telesis's CTF then discussed the findings of SPCSA staff. One major concern of the Authority was the rating that Telesis Academy had received in Arizona. The school had been graded as a C school, but Telesis's CTF said the data is measured in a way that is not beneficial to their school in Arizona. Due to the high turnover rate in Havasu, because of tourism and transiency, the school's performance numbers are hurt because they did not get the full credit for growth of students who enter their school midway through the year.

**Member Abelman made a motion for approval of the staff recommendation for denial of Telesis Academy's charter application. Member Mackdon seconded the motion. Member Van clarified to Telesis Academy's CTF that they would still be able to resubmit after the 30-day time period. The motion was unanimous.**

#### **Agenda Item 12 – Member Comment**

Member Wahl said she had been involved with the Nevada Interscholastic Athletic Association and recommended that the Authority have representation on their board. She felt that there was confusion regarding how charter schools should be involved with Nevada athletics and that if no one from the Authority or charter community participated then Nevada's charter schools could be left out of important athletic decisions.

Member McCord said that he had participated with the State Board of Education's NAC revisions. He said there were some questions regarding if some of the decisions of the State Board would affect charter schools. He recommended that these questions be agendaized at the next meeting date.

#### **Agenda Item 13 – Next Meeting Date**

The Authority said they would work with staff to set the next meeting along with a possible retreat in the beginning of January.

Member Van motioned for adjournment. Member Abelman seconded. The motion was unanimous.

The meeting was adjourned at 3:37 pm.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T:** Consideration regarding the  
Application Review Team's recommendation of  
Nevada State High School's II charter school  
application resubmission

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  x/  </u> | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 3

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Steve Canavero, PhD, Director, State Public Charter School Authority

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**RECOMMENDATION:** Approve, see attached report

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 30 mins

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

BRIAN SANDOVAL  
*Governor*

STATE OF NEVADA

STEVE CANAVERO  
*Director*



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687-9174 • Fax: (775) 687-9113

November 13, 2013

Dear John Hawk:

The State Public Charter School Authority (Authority), at its November 1, 2013, meeting, denied your Committee's charter school application. This is the NRS 386.525(9)(AB 205 version) written notice of the determination of the Authority regarding your application. The reasons for the denial and deficiencies in your Committee's application are stated in the attached Reasons for the Denial of the Charter School Application (Reasons for Denial).

Pursuant to NRS 386.525(9), your Committee is granted 30 days from receipt of this letter (until 5:00PM, December 13, 2013) to attempt to correct the deficiencies identified in the Reasons for Denial and resubmit the application to the above address.

Your attempt to correct the deficiencies must be in the form of the application revised to address each matter raised in the Reasons for Denial. Applications **must be resubmitted in their entirety** with each applicable Required Element (Narrative A.1.4, Attachment A.3.3, etc.) revised in response to the Reasons for Denial.

For each of the corrections you provide in response to each concern stated in the Reasons for Denial, identify where—by page number—in the resubmitted application the correction (or original response, if the applicant feels the concern was addressed in the first submission of the application but missed by the reviewer) can be found. This will facilitate the Application Review Team's review of your resubmission.

All corrections must be incorporated into the appropriate application Required Element(s); do not simply provide a list of answers to the questions/concerns stated in the Reasons for Denial. The resubmitted application, like the original application, should read as responses to all the Call for Quality Charter Schools' Required Elements, not simply as a list of answers to the questions/concerns stated in the Reasons for Denial.

Resubmit the application containing both the original and revised language. Clearly identify new text with either **bold** or *italicized* font, and use ~~strikethroughs~~ to indicate text that is to be

deleted from the original application in response to the Reasons for Denial (see example). Please resubmit four bound "hard copies" and a PDF version of the revised application on either a CD or USB- compatible flash drive.

Please do not revise anything not identified as problematic in the Reasons for Denial. There will be opportunity to amend your charter at some time in the future if your Committee or Board wishes to do so. Note there is no *requirement* for any applicant to resubmit an application. Only those applicants wishing to pursue a 2014 or 2015 (pursuant to NRS 386.527(9)) startup are required to resubmit the application.

NRS 386.525(9) also requires Authority staff to meet with you and/or other members of the Committee to Form the School to confer on the method to correct the identified deficiencies. You will receive an email from Danny Peltier with information regarding scheduling a meeting with Authority staff.

Thank you for your interest in Nevada charter schools.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Canavero', with a long horizontal flourish extending to the right.

Steve Canavero, PhD  
Director, State Public Charter School Authority

***Nevada State High School II***  
***Reasons for Denial of the Resubmitted Charter***  

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***School Application***

# Recommendation

## Overall Recommendation

- ~~Deny: The Committee is encouraged to revise and resubmit the application within the 30-day NRS 386.525 resubmission window. The deficiencies in the application preclude entering into a charter contract at this time, but could be corrected in a manner that does not fundamentally alter the school's proposed program. If corrected to the satisfaction of SPCSA staff and resubmitted pursuant to NRS 386.525, staff would recommend entering into a charter contract.~~

Approve

## Summary of Section Ratings

Rating options for each section are Meets the standard; Approaches the standard; Does not meet the standard

### Section 1. Education Program Design

- ~~Approaches the standard~~ Meets standard

### Section 2. Operations Plan

- ~~Approaches the standard~~ Meets standard

### Section 3. Financial Plan

- Meets standard

### Section 4. Performance Record

- Meets standard

### Section 5. Evidence of Capacity

- ~~Approaches the standard~~ Meets standard



## Education Program Design

1. Some of the concerns expressed by the reviewers included the lack of detail concerning an in-depth discussion regarding need for the school with members of the new community where the school will be located.

Examination of attachment A.7.2.1 indicates that the new school will be located in an area with much higher transiency rates than the current site, and yet very little information was provided regarding how the school will seek to recruit from students and families who may not fit their traditional student profile. Please provide more information on how the school will seek to recruit traditionally underserved students.

The school's focus on rigorous, college-level academics may attract students more likely to succeed in any setting. How will the school track its own population in order to determine if more aggressive outreach to underserved populations is necessary?

Pg. 129: Will recruitment information be made available in other languages? Please describe.

2. The school's discipline plan appears to be designed to remove students who do not already fit the college-bound mold.

A.6.2: The school's policy appears to be "removing [students] from the school" who fail to attend all classes and arrive on time, turn in all required material, and do their best. This appears to be a violation of state law regarding expulsion and suspension. Students may be removed from the school against the parent/guardian's wishes only for offenses that rise to the level identified in NRS Chapter 392. The removal policy is stated again on P. 115 of 281. Please address.

3. The calendar is not approved by the Authority, rather approval/denial remains within the jurisdiction of the Nevada Department of Education. This requires no action but noted for purposes of clarity.

### Special Populations (4—5)

4. A.8.1.— Please provide more specific information concerning how NV State HS II will ensure their ELL identified students will receive appropriate education/academic content for their language acquisition needs. Also, include details of ELL annual assessment, exiting, and monitoring timelines.

5. A.8.3.— The narrative for Special Education revenues/expenditures should include a fair set aside amount for student/parent transportation reimbursement if a student's IEP requires transportation. In Attachment C.1.2, the budget narrative lists Travel for \$1,500 for the 2014—15 school year as student reimbursement for bus pass. Is this for all enrolled students or just for Special Education students?

~~6. Family Involvement: Describe how parents would be able to contact the members of the school's board, including how they can communicate with board members without going through the school's administrators. It's noted that on P. 45 of 281, the application specifically refers to "...community members [appealing] school decisions through administration to the school's governing body." (italics added by application reviewer). For its part, Authority staff always recommends to the public that they bring their concerns to a school's administration before bringing them to the school's board, but parents and other members of the public should always have the opportunity to communicate directly—not through administration—to the board. This doesn't necessarily mean that board members' personal contact information need to be shared with the public, but the public should be assured that written communication through the school's website, for example, always goes directly to board members unchanged by administration and in its entirety.~~

~~7. Please confirm the school is not proposing any mission specific goals.~~

## Operations Plan

~~8. It's not clear why two different enrollment window dates are provided (April 15, 2014, and May 1 15).~~

~~Please address.~~

~~9. The lottery description in the application does not completely match that offered as guidance by the proposed sponsor (see the SPCSA website; see "Resources for Schools"). The applicant needs to either explain variations from the guidance provided by the proposed sponsor or use the language suggested by the proposed sponsor.~~

### Bylaws (10—13)

~~10. Art 3.3(b): References to "Categories 4 and 5" are not clear. This appears to be language taken out of context (guidance from the Authority) and inserted into the bylaws. Please address.~~

~~11. Art 3.3(d): The bylaws appear to turn over selection of board members to the school's administrator: "In the case of multiple nominations..." Additionally, the meaning of the sentence referred to above is not clear. Please address.~~

~~12. Art 3.3(e): Fails to adequately address Stipulation 13. As written, it would allow the board to function in violation of the requirement for at least five members. Please address.~~

~~13. Art 7.3: How/when will the "...manner as shall be determined by the board..." be memorialized? In the financial policies to be housed in AOIS? Also, given the likelihood of the COO and CAO being married to each other (see B.4.1, page 48 of 281), this bylaw should be revised to eliminate any appearance of impropriety. Finally, signing of checks of any amount by only one administrator (no other signature required) appears to be allowed, and this is not a "best" financial practice. Please address.~~

# Financial Plan

## Rating

### a. Meets Standard

*The following revisions are required of NSHS II and may be addressed now during the resubmission (preferred method) or the revisions will be incorporated into the Pre-Opening Requirements. Either way they must be addressed.*

~~14. It was difficult to tell if funds budgeted for ELL or Sped staff would be sufficient as they were lumped into the 10K in the 'professional services' account. The school may be caught off guard by the number of high-need students they get in their new location.~~

~~15. Attachment C.1.2. Object Codes neither 100 nor 300 mention hiring a licensed Special Education teacher. Please clarify in your budget narrative to account for this required individual. Please do the same to the 2015-16 school year budget.~~

~~16. Object Code 500—Please adjust narrative and amount of travel to include a fair amount for possible student/parent transportation reimbursement as stated in a student's IEP if needed. Please do the same to the 2015-16 school year budget.~~

~~17. Object Code 600—Please add Special Education supplies such as Testing Assessments and protocols (above and beyond the ACT, benchmark assessments, etc.). Even though your school may have a very low Special Education enrollment, your school will still need to have some very specific assessments just for assessing your Special Education students.~~

~~18. Incentive program mentioned in Obj. Code 100 narrative, but no line item cost in budget.~~

~~19. PERS estimated @ 25%, not 13.25%.~~

~~20. Loan repayment of a \$100K loan @ 12% (guessing amortized over 48 months), balloon payment at month 24, as shown on CFS, understates monthly payments by \$133, overstates balloon by \$9,500ish. Net overstatement of repayment obligation is about \$7K (immaterial).~~

## **Performance Record**

### ***Rating***

- a. ***Meets Standard***

***No revisions are necessary.***

## Evidence of Capacity

21. The Committee to Form the School includes five of the nine members that are either currently employed by NSHS or plan to be employed by NSHS II. It was unclear to the review team the benefit of composing the Committee in this manner given the obvious questions raised by having a supervisor/employee serve on the same Committee. Only one member of the Committee, Ms. Holdaway, has prior experience serving on the PTA at Bonner Elementary School.

The role of the Hawks in scaling NSHS to two campuses is critically important and considered an asset to this proposal; however, equally important will be the role of strong governance to ensure the continued success of NSHS and the successful implementation of the independent NSHS II. The insular quality of the CTF manifests itself in, among other things, an apparent over-dependence on the administrators John and Wendi Hawk. Those acquainted with the “flagship school” and this application for replication of the flagship school may find it difficult to picture the continuation of either school should the Hawks for any reason leave employment at the school. Application reviewers are aware of no administrative succession plan for either the flagship or proposed schools. Developing a succession plan is necessary to ensure the continued performance of NSHS and the successful start-up and ongoing operations of NSHS II. ~~Please provide a succession plan for either the flagship school or the proposed NSHS II. The Authority would like to work with NSHS leadership in this area, please let Steve Canavero (scanavero@spesa.nv.gov) know.~~

~~22. Expanding the Committee to Form to include members with board experience who are neither employees, contractors nor relatives would improve the application. Please address.~~

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T:** Consideration regarding the  
Application Review Team's recommendation of  
Mater Academy's charter school application  
resubmission

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  x/  </u> | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 4

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Steve Canavero, PhD, Director, State Public Charter School Authority

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**RECOMMENDATION:** Approve, see attached report

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 30 mins

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

BRIAN SANDOVAL  
Governor

STATE OF NEVADA

STEVE CANAVERO  
Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113

November 13, 2013

Dear Shelia Moulton:

The State Public Charter School Authority (Authority), at its November 1, 2013, meeting, denied your Committee's charter school application. This is the NRS 386.525(9)(AB 205 version) written notice of the determination of the Authority regarding your application. The reasons for the denial and deficiencies in your Committee's application are stated in the attached Reasons for the Denial of the Charter School Application (Reasons for Denial).

Pursuant to NRS 386.525(9), your Committee is granted 30 days from receipt of this letter (until 5:00PM, December 13, 2013) to attempt to correct the deficiencies identified in the Reasons for Denial and resubmit the application to the above address.

Your attempt to correct the deficiencies must be in the form of the application revised to address each matter raised in the Reasons for Denial. Applications **must be resubmitted in their entirety** with each applicable Required Element (Narrative A.1.4, Attachment A.3.3, etc.) revised in response to the Reasons for Denial.

For each of the corrections you provide in response to each concern stated in the Reasons for Denial, identify where—by page number—in the resubmitted application the correction (or original response, if the applicant feels the concern was addressed in the first submission of the application but missed by the reviewer) can be found. This will facilitate the Application Review Team's review of your resubmission.

All corrections must be incorporated into the appropriate application Required Element(s); do not simply provide a list of answers to the questions/concerns stated in the Reasons for Denial. The resubmitted application, like the original application, should read as responses to all the Call for Quality Charter Schools' Required Elements, not simply as a list of answers to the questions/concerns stated in the Reasons for Denial.

Resubmit the application containing both the original and revised language. Clearly identify new text with either **bold** or *italicized* font, and use ~~strike throughs~~ to indicate text that is to be



deleted from the original application in response to the Reasons for Denial (see example). Please resubmit four bound "hard copies" and a PDF version of the revised application on either a CD or USB- compatible flash drive.

Please do not revise anything not identified as problematic in the Reasons for Denial. There will be opportunity to amend your charter at some time in the future if your Committee or Board wishes to do so. Note there is no *requirement* for any applicant to resubmit an application. Only those applicants wishing to pursue a 2014 or 2015 (pursuant to NRS 386.527(9)) startup are required to resubmit the application.

NRS 386.525(9) also requires Authority staff to meet with you and/or other members of the Committee to Form the School to confer on the method to correct the identified deficiencies. You will receive an email from Danny Peltier with information regarding scheduling a meeting with Authority staff.

Thank you for your interest in Nevada charter schools.

Sincerely,

A handwritten signature in black ink, appearing to read 'SC', with a long horizontal flourish extending to the right.

Steve Canavero, PhD  
Director, State Public Charter School Authority

## *Mater Academy*

### *Reasons for Denial of the Resubmitted Charter Application*

# Recommendation

## Overall Recommendation

- ~~Deny: The Committee is encouraged to revise and resubmit the application within the 30-day NRS 386.525 resubmission window. The deficiencies in the application preclude entering into a charter contract at this time, but could be corrected in a manner that does not fundamentally alter the school's proposed program. If corrected to the satisfaction of SPCSA staff and resubmitted pursuant to NRS 386.525, staff would recommend entering into a charter contract.~~

- Approve

## Summary of Section Ratings

Rating options for each section are Meets the standard; Approaches the standard; Does not meet the standard

### Section 1. Education Program Design

- ~~Approaches the standard~~ Meets standard

### Section 2. Operations Plan

- ~~Does not meet standard~~ Meets standard

### Section 3. Financial Plan

- ~~Does not meet standard~~ Meets standard

### Section 4. Performance Record

- ~~Approaches the standard~~ Meets standard

### Section 5. Evidence of Capacity

- ~~Approaches the standard~~ Meets standard

## Education Program Design

1. ~~The mission statement mentions global citizens and a multi-cultural curriculum, but the vision and educational philosophy fail to explicitly address these and explain how the school will accomplish this part of the mission. Please address.~~
  - ~~Clarify how Sizer's idea would be carried out throughout the application. Would the school seek affiliation with the Coalition of Essential Schools?~~
2. ~~Furthermore, the curriculum model, instructional strategies, and professional development plan fail to align with the mission, vision, and educational philosophy. The overview curriculum plan is comparatively silent on the uniqueness of the at-risk population being targeted and does not speak to multiculturalism, self-efficacy, cross-cultural competence, college and career readiness, and the 21<sup>st</sup> century key skills outlined and defended in A.1 of the application. Please address.~~
3. ~~A.1.2: One would expect a "multicultural curriculum" to offer a variety of foreign language studies. It appears Spanish is the only non-English language that will be offered. Please provide the rationale for offering Spanish as the only foreign language.~~
4. ~~Little to no information is given for the selection of the texts listed in attachment A.3.11 which are listed as texts that "may" be used. In addition, plans to align curriculum to both Nevada and Common Core Standards do not appear fully fleshed out. Please provide a list of the textbooks that will be used and explain how they were selected. Clarify the plan to align curriculum to Nevada and Common Core Standards.~~
5. Nevada Academic Content Standards in ELA and Math are the common core. The ELA standards are fully established and in Math they will be fully established through 10th grade by the end of the 2013-2014 school year. 11th grade will be completed by the end of 2014-2015 school year. **Please ensure the application complies with the above.**
6. ~~The application indicates that Mater Academy of Nevada is replicating the Florida Mater Academy charter school network which is a "National Demonstration School for the College Board's Springboard curriculum which promotes critical thinking and segues into AP coursework." However, the application fails to sufficiently describe the curriculum being replicated in order to produce the results outlined in section A.2.4. Nor does the application provide sufficient detail to determine faithfulness to the Mater school model in Florida. Please address.~~
7. ~~The application indicated that Mater Academy would provide onsite professional development. It also indicated that on-site coaching in instructional strategies for students of poverty, at risk and ELL would be provided. However, the connection between the instructional strategies in A.3.12 and professional development in A.3.13 is missing. Please address.~~
8. ~~The school's professional development plan was rather vague, at times sounding as though it would be completely driven by surveys of teacher need/preference, and at other times implying that a~~

variety of required trainings would be presented. What does the school plan to provide teachers with in terms of professional development? How will the development provided be balanced between external opportunities and training provided by the school's EMO? **Please respond to the questions.**

9. ~~"Monthly planning time will foster professional learning communities which enables educators to join forces to promote ongoing growth and development (Barton & Stepanek, 2012)." This reference to professional learning communities is out of context. PLCs take at least 3 years to plan and implement effectively (given the retention of teachers) and require the scarce resource of time that is protected in a master schedule. Monthly planning time does not lend to effective PLCs. Maybe this monthly planning time can be referred to as "Data Chats." Please address this concern.~~
10. ~~Positive Behavioral Support—nothing mentioned in A.4 concerning professional development support for teachers or parents. Please clarify professional development that will be provided for Positive Behavioral Support.~~
11. ~~ELL is a targeted population, but there is no mention of WIDA testing or professional development targeted towards the effective instruction of students identified as ELL. Academic literature asserts that a root cause of the disparity between the academic achievement of ELL students and their English speaking peers is teachers that are not qualified to teach this subgroup, lack of training and/or professional development, and low teacher expectations. Please clarify the professional development for instructors of ELL students.~~
12. ~~Only one educational goal written in A.2 is connected to the at-risk population being targeted. Specifics on how the desired outcomes would be obtained were not discussed in the curriculum, instructional strategies, and professional development plan. There is nothing in the vision that speaks to elimination of the achievement gap nor are there any goals in A.2 that specifically target the achievement gap. Please either identify achievement gap goals or explain why none are identified.~~
13. ~~75% of students who are current or exited ELLs who have attended the school for a three consecutive year period will achieve proficient status on the state's annual assessment. What is the time frame for including exited ELLs? Please respond to the question.~~
14. ~~The structure of the day for elementary students appeared quite consistent for both younger and older children. Kindergarten students received only 15 minutes of recess, no time for free play, and no nap time (even in the full day program). How does the school plan to keep younger students engaged for a full academic day? Please respond to the question.~~
15. ~~The school intends to use student data, but does not appear to have a holistic plan in place. Several of the assessments suggested as possible tools have widely varied schedules and styles (ie: assessments several times per year vs. potentially weekly). While any of these methods may work, the application did not provide the sense that the applicants have a fully developed philosophy of assessment and examination of data that will drive their selection of tools. Please clarify the school's philosophy of assessment and examination of data, and how it will drive the school's~~

~~selection of assessment tools.~~

16. ~~"Upon establishment of the school, the principal will further refine the discipline policy." (p. 15) All language around the discipline policy is anticipatory and indicates that no work has been done to this point. This is extremely odd as there is already another school in place which evidently has discipline practices in place. The plan states that, "the decision regarding the consequence will be based on circumstances unique to each individual student" (p. 109) and that consequences may vary based on each student's prior behavior record. While this approach sounds reasonable in theory, its lack of definition may result in complaints of unfair or biased treatment due to the inherently subjective nature of the consequences. Given the school's desire to work with an at-risk population, its decision to refer students to law enforcement after more than two unexcused absences (p. 112) without any school attempts to determine cause, is concerning. As recent research has shown, these types of early referrals often serve as a gateway for low income, at-risk youth to enter the justice system. Please submit a revised discipline policy that responds to these concerns.~~
17. ~~The outreach plan found on page 119 is inadequate and ill defined. This is a major concern given the school's stated philosophy of working 'in partnership' with families and community. Please further develop and explain the outreach plan.~~

Special Populations (18-26):

18. ~~A.8.1. page 23, paragraph 3, last sentence—Is parental request the only way a student will be assessed for GT services? Please respond to the question.~~
19. ~~A.8.3. Where in your budget do you reserve the funds for Activity Teachers (pg. 141) and Intervention Teachers (pg. 145)? Please respond to the question.~~
20. ~~Page 182, under "WHY" heading—NV's State Board rules DO NOT indicate that there must be at least two parent conferences held with the parent prior to considering eligibility. Please revise to address this concern.~~
21. ~~Page 240, Change Autism to Autism Spectrum Disorder and Mental Retardation to Intellectual Disability. Please revise as requested.~~
22. ~~A.8.5. Attachment, page 262—All boxes must be checked and resubmitted on Special Education Assurance document. Please revise to address this concern.~~
23. ~~Page 265, starting with last word on page—Please add a sentence that states that "Students enrolling after the start of the school year must be tested within 10 school days of enrolling". Please revise as requested.~~
24. ~~Page 267, middle of page—Please remove all references to Pre-LAS, NV has currently adopted WIDA's ACCESS screener. Please revise as requested.~~
25. ~~Page 346, under Special Education Fund—Please remove reference to Clark County School District—providing financing to your school for Special Education. Please revise as requested.~~

- ~~26. Page 268 Self-contained classrooms are mentioned. Do you intend to have a self-contained ESL Classroom? Please respond to the question.~~
- ~~27. I do not see a clear explanation of the process Mater will take in regards to ELL students there are numerous references to state law and federal law, but not the clear process Mater intends to use. Please clarify the ELL student process.~~
- ~~28. Might want to consider referencing Smarter Balance Assessment. Please either address the concern by referencing the Assessment or clarify why the Assessment is not referenced.~~
- ~~29. Page 6: What assessment is Mater academy intending to use specifically? In the application it states —Commercially available, standardized instruments such as AIMSweb. Please respond to the question.~~
- ~~30. Page 8: The scope and sequence or pacing guide will largely be aligned to the basal text. This is a real concern, the text should not be the guiding force. Why will it be based largely on the text? Please respond to the question.~~
- ~~31. There is no plan to include parents in the school performance planning process or how parents can help their students at home. Please provide a plan to include parents in the school performance planning process and for how parents can help their students at home.~~
- ~~32. Students who are college and career ready can be measured. Please clarify how college and career readiness of pupils will be determined.~~
- ~~33. Includes Spanish on the list of scheduled courses but the actual schedule in attachment A.3.4 doesn't include it. Please correct this apparent oversight.~~
- ~~34. A.2.1: Regarding educational goals, the school would need to adopt the proposed sponsor's performance framework. Please acknowledge this fact in the application.~~
- ~~35. Please clarify whether the school would identify mission-specific goals or not (see the SPCSA's Charter Contract template and Performance Framework); if yes, which ones?~~

## Operations Plan

36. The application did not present a staffing plan that appears viable and adequate for effective implementation of the proposed Educational Program. The review team's primary concern is the lack of alignment between the school's mission, vision and target population and the qualifications or skills needed to teach at Mater Academy of Nevada. The staffing plan read as if it could be applied to any school with no unique qualifications or skills identified for the instructional leader and teachers that directly ties to the Education Program, no mention of ESL or bilingual certification, and no mention of experience or knowledge of working with students living in poverty. Further, Attachment 3.2 states that students may be provided instruction in Spanish—the school will need bilingual teachers in order to meet this need but there is no mention in the Operations Plan of how the school plans to overcome this challenging staffing requirement. Based on the Operations Plan, it does not appear to the review team that the Committee is well-versed in the abundant literature on the topic of attracting and retaining effective teachers in high-need schools. **Please address:**

- ~~No unique qualifications or skills are identified to teach at this school. No mention of ESL or bilingual certification. No mention of experience or knowledge of working with high poverty.~~

37. The organizational chart was unclear, listing both the EMO and the board as overseeing the director and listing specialist teachers below classroom teachers, implying a hierarchy between licensed staff. Teacher aides do not appear to have any direct connection to the principal, implying that they are to be supervised and evaluated by teaching staff. The budget section of the application also indicates that there will be only three of these staff members. How will these aids spend their time during the school day? Overall, the structure of the staffing model was unclear. **Please address the above concerns regarding the school's staffing model.**

38. According to the application and the interview it appears the Mater Academy, Inc. affiliation was introduced to the Committee by representatives from Academica, and it was Academica that recommended a partnership with Mater Academy, Inc. Whether the Committee independently researched other "designs" or models is not expressly stated within the application. It is entirely unclear what the Committee gains from such an affiliation given the present expertise represented on the Committee. **Please address (similar to notes in the Performance and Capacity Section of this report).**

39. The application did not contain a clear plan or timeline for hiring the school leader, nor did the Committee articulate who would be responsible for which day-to-day activities of the school beyond the fact that Academica will take care of most business functions. **Please provide a plan and timeline for hiring the school leader. Clarify which positions would be responsible for which day-to-day school activities. Provide a school leader evaluation plan in either in B.4.4, B.4.6, or another appropriate place in the application.**

40. Responses to several questionnaire items are missing from all members of the Committee—responses to questions 11–18 are missing; these are questions regarding conflict of interest disclosure. **Please address.**



41. ~~Is a ratio of 25 to 1 reasonable when targeting at-risk students? Rationale behind the ratio?~~  
~~Please provide the rationale.~~
42. ~~Page 28, Sentence 1, first full paragraph: Add Academica Nevada and Mater Academy, Inc. to the list of entities the board would evaluate at least annually. Please address this concern.~~
43. ~~Page 30, B.3.1: Would the legal counsel referred to in this section be Bob Howell or Ryan Reeves or anyone else associated with Academica Nevada or Mater Academy? Given Reeves' review of the bylaws, it seems likely the school's board might choose attorneys associated with either Academica or Mater, which would be discouraged by the proposed sponsor. The school needs legal counsel separate from Academica or Mater. Please address this concern.~~
44. ~~Page 30, 39: The principal would be an employee of the board, not an EMO, which is a positive. It's not clear whether the person to draw orders for payment of the school's money (per NRS 386.573) would also be an employee of the board. Please clarify the above.~~
45. ~~Page 322: Lottery statement: Unless the school would be exclusively for at risk pupils, NRS 386.580(8)(c) is an incorrect citation. It is recommended that NRS 386.580(2)(d) or NRS 386.520(5)(p) or both be cited instead. Also, the February 1-15 enrollment window (P. 323) violates NAC 386.135. Please revise and resubmit the lottery statement, perhaps using the guidance provided by the SPCSA on its website.~~
46. ~~The "Stipulation" citations may be removed from the bylaws after they've been approved by the proposed sponsor. Please remove the stipulations with strikethroughs.~~
47. ~~Page 2, Discusses personalization for each student, but then discusses CBC for uniform structured itinerary. Please address this concern.~~
48. ~~This charter seeks to serve an "at risk" population and a targeted ELL population. According to the application, the other charter schools that contract with this EMO serve predominately white student populations. How will the charter pursue and actually enroll its targeted population? Please answer the question, perhaps by clarifying the advertising and enrollment procedures to be used by the school.~~

## Financial Plan

49. The proposed school's strategy for meeting potential cash flow challenges is entirely dependent upon per student enrollment fee reductions from its EMO and forgiveness of a loan by the EMO if the proposed school is not granted a charter. Such cost reduction measures are dependent upon an unrelated entity and present the appearance of a relationship that is not "arm's-length" in nature. **Please provide alternative methods for meeting potential cash flow challenges.**
- ~~50. Budget narratives do not always support the numbers included in the budget nor are they always the same numbers included in the cash flow statement. Please revise in a manner to make it possible to determine if the budget is based on realistic, evidence-based revenue and expenditure assumptions.~~
- ~~51. What appears to be a pre-opening budget (not labeled) relies wholly on a line item described as donations, yet the budget narrative describes the revenue as a loan from the EMO. Further complicating this understanding, no loan repayment is included in the cash flow statements. Please revise.~~
52. There is no explanation for the stated minimum number of students (125) to make the school financially viable, including no break-even cash flow statement, Required Element C.2.8. **Please revise.**
- ~~53. The sections discussing facilities were extremely thin and had little basis for some assertions. For example, the school indicated that its rented space could be brought from 15,000 to 5,000 square feet; however, given that the school has not yet secured a space, it would appear difficult to determine the flexibility of the landlord or structure itself. Please address the concern.~~
- ~~54. Budget narrative does not appear to include costs for ELL testing at \$23 per student. It also does not appear to include teacher support for ELL students. Please address these budget concerns.~~
- ~~55. Please ensure all calculations are accurate. For instance, DSA fee has been calculated in the budget a 2% for 15/16 at \$35,357.00 when the calculation equals \$47,142.850 (\$2,357,140\*2%=\$47,142.80). Also, submitted budget uses DSA & OR rates from 3/31/10: 5,036 & 1,167 vs. 5,457 & 997. Please address this concern.~~
- ~~56. Crisis Response Plans (page 489) Evacuation maps should be included in the final plan as an appendix. Including the map within the plan would allow a potential bad person to know where everyone is to get further opportunity to attack. Reunification sites should also be appendices. When the event occurs and is under control then the reunification area can be announced. Please address this concern.~~

## Performance Record

57. ~~The proposed contract between Academica Nevada, Inc. and Mater Academy of Nevada submitted with the application contained a prohibited provisions specified by NRS 386.562 (i.e., an initial term of 6 years). Please revise.~~
58. ~~Although performance of the Mater Academy, Inc. family of schools initially looked relatively strong (8/23 receive an A from Florida, 2/23 receive a B from Florida), out of 23 total schools open in Florida, 2/23 received a C, 1/23 receive a D, 5/23 were too small to report, 1/23 received an I, and the remainder, 4/23 are too new to receive a letter grade. Over 1/3 of the portfolio appears to be three or less years old. Please address this concern~~
59. ~~The Trademark License and Affiliation Agreement between Mater Academy, Inc. and Mater Academy of Nevada allow the school to use the Mater Academy name in the development of the school and to promote the fact that the school will affiliate with Mater Academy and replicate its successful educational best practices and methods. Additionally, the agreement provides for Mater Academy, Inc. to monitor the conduct and performance of the school and provide on-site training, assistance with attainment of accreditation and other areas identified by Mater Academy of Nevada. Given the narrative of the application did not address the desire for this partnership in depth, it is critical to determine the extent to which Mater Academy, Inc. leadership team (and which members) are prepared to devote themselves to actively assisting in the implementation of their program on the other side of the country. Please address these concerns regarding the partnership with Mater Academy, Inc.~~

## Evidence of Capacity

- ~~60. Given the knowledge and experience of the Committee and the application, the review team questions the “value-add” of the affiliation with Mater Academy, Inc. Based on the interview and academic results it was not evident that the Mater Academy, Inc. model is well defined or that they have “cracked the code” resulting in significant academic gains across the network of schools. Alternatively, the Committee was well versed in strategies and tools needed to be successful in working with their proposed at-risk target population. Similar to the comment made under the Performance and Organization Section of this report, please address the “value-add” within the affiliation with Mater Academy, Inc. or decision to remove the affiliation within the application.~~
- ~~61. Provide assurance that neither R. Anderson of “Land Baron Investments” nor R. Jasso of “Remax Benchmark Commercial Properties” have any business interest in the proposed school, if this is the case. Membership on the CTF of these persons suggests a preoccupation of the EMO, Academica, with real estate dealings. Please provide the assurance.~~

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T:** Consideration regarding the  
Application Review Team's recommendation of  
Legacy International's charter school  
application resubmission

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  x/  </u> | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 5

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Steve Canavero, PhD, Director, State Public Charter School Authority

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**RECOMMENDATION:** Deny, see attached report

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 30 mins

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

BRIAN SANDOVAL  
*Governor*

STATE OF NEVADA

STEVE CANAVERO  
*Director*



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 · Fax: (775) 687 - 9113

November 13, 2013

Dear David Meckley:

The State Public Charter School Authority (Authority), at its November 1, 2013, meeting, denied your Committee's charter school application. This is the NRS 386.525(9)(AB 205 version) written notice of the determination of the Authority regarding your application. The reasons for the denial and deficiencies in your Committee's application are stated in the attached Reasons for the Denial of the Charter School Application (Reasons for Denial).

Pursuant to NRS 386.525(9), your Committee is granted 30 days from receipt of this letter (until 5:00PM, December 13, 2013) to attempt to correct the deficiencies identified in the Reasons for Denial and resubmit the application to the above address.

Your attempt to correct the deficiencies must be in the form of the application revised to address each matter raised in the Reasons for Denial. Applications **must be resubmitted in their entirety** with each applicable Required Element (Narrative A.1.4, Attachment A.3.3, etc.) revised in response to the Reasons for Denial.

For each of the corrections you provide in response to each concern stated in the Reasons for Denial, identify where—by page number—in the resubmitted application the correction (or original response, if the applicant feels the concern was addressed in the first submission of the application but missed by the reviewer) can be found. This will facilitate the Application Review Team's review of your resubmission.

All corrections must be incorporated into the appropriate application Required Element(s); do not simply provide a list of answers to the questions/concerns stated in the Reasons for Denial. The resubmitted application, like the original application, should read as responses to all the Call for Quality Charter Schools' Required Elements, not simply as a list of answers to the questions/concerns stated in the Reasons for Denial.

Resubmit the application containing both the original and revised language. Clearly identify new text with either **bold** or *italicized* font, and use ~~strikethroughs~~ to indicate text that is to be

deleted from the original application in response to the Reasons for Denial (see example). Please resubmit four bound "hard copies" and a PDF version of the revised application on either a CD or USB- compatible flash drive.

Please do not revise anything not identified as problematic in the Reasons for Denial. There will be opportunity to amend your charter at some time in the future if your Committee or Board wishes to do so. Note there is no *requirement* for any applicant to resubmit an application. Only those applicants wishing to pursue a 2014 or 2015 (pursuant to NRS 386.527(9)) startup are required to resubmit the application.

NRS 386.525(9) also requires Authority staff to meet with you and/or other members of the Committee to Form the School to confer on the method to correct the identified deficiencies. You will receive an email from Danny Peltier with information regarding scheduling a meeting with Authority staff.

Thank you for your interest in Nevada charter schools.

Sincerely,

A handwritten signature in black ink, appearing to read 'SC', with a long horizontal flourish extending to the right.

Steve Canavero, PhD  
Director, State Public Charter School Authority

*Legacy International College Prep  
Academy*

*Reasons for Denial of the Resubmitted Charter  
Application*



## Recommendation

*Overall Recommendation:*

***Deny: Significant application deficiencies were found. ~~which cannot be remedied without major revisions that would significantly alter the nature of the application.~~***

### Summary of Section Ratings

*Rating options for each section are Meets the standard; Approaches the standard; Does not meet the standard*

#### Section 1. Education Program Design

- Does not meet standard

#### Section 2. Operations Plan

- Does not meet standard

#### Section 3. Financial Plan

- Does not meet standard

#### Section 4. Performance Record missing

- Approaches the standard

#### Section 5. Evidence of Capacity missing

- Does not meet standard

# Education Program Design

1. The application discusses the vision of both public and private school adopting the model and having the school grow rapidly to 25 states and 3 foreign countries within its first five years of operation. This type of growth pattern is extreme, particularly for an entity that has never tried its model at full scale. This assertion, combined with the fact that no detailed plan for how this growth would be executed or how the board would determine when the school was ready to replicate, was concerning. **Please provide a rationale to support this range or revise accordingly with an accompanying rationale.**  
**Revised – within 5 years, 360 students in Nevada.**

2. The curriculum model, Flex/Enhanced Online Blended, is not presented with compelling research-based evidence. There is no apparent explanation why this particular model is necessary to producing graduates who are ranked in the top 10% in the nation in academics and performance and recognized for their outstanding scholarship, character, leadership, and community service. **Please address.**

**Research base cited.**

3. It is not completely clear what the educational model will look like once it is fully implemented, especially in light of the federal licensing requirements for secondary core courses. At the interview it was apparent that the Committee has not given full consideration to their staffing plan and how, for example, hiring teachers through Connections Academy impacts their ability to evaluate and shape their instructional staff. **Please address. Specific findings from members of the Review Team appear below.**
  - a. The application discusses Connections, Edmentum, Forest Trail Academy, and Khan Academy, in addition to various potential EMOs. There is more time in the application devoted to the deliberative process in selecting a curriculum and EMO than on what they plan to actually do. If all of these various options are included, it would be helpful to explain who (and how) makes the decision about which curriculum will be followed by which students. Is that the teacher's responsibility? What happens if the teacher leaves and the person who replaces him/her wants to follow a different curriculum.

Forest Trail eliminated. Edmentum is identified as the EMO. Connections Education is identified as a possible curriculum provider and possible EMO. The resubmitted application has not been carefully reviewed/edited to align all components with the proposed change in EMO. For example, Connections appears in a number of areas as does the Connections Education Learning Management System – which does not align with other areas of the resubmitted application. LEAP Innovations International has been removed from the application as the EMO but confusing language remains within the application.

The Cover Sheet for the application still identifies Leap Innovations International (Leap) as the proposed educational management organization (EMO); this appears to be an oversight on the part of the applicants. Rather than Leap, it appears Edmentum would serve as an EMO by employing and providing educational personnel to the school.

- b. The proposed school is referred to as a blended learning one (Page 5, 10). The pupil-attendance policy is unclear. If "opportunities," only, for face-to-face instruction are provided, and there would be no requirements for such instruction, it's hard to see how this would be-

~~anything other than a distance education program. Provide detail regarding the “limited face-to face schedule for students” “requirement” (page 15). It’s noted that “Students will also meet in a brick and mortar school for three to four hours per day...” and will be “in face to face classes 19 hours per week” (page 27).~~

~~i. Page 54 of attachments The face to face attendance is supplemental to the “virtual” online attendance. Students are expected to be in class 19 hours per week.~~

- ~~c. Page 55 of attachments It appears the 19 hour in person requirement has numerous loopholes the Head of School can use to excuse pupils. The “face-to face instruction is a crucial part of LICPA’s educational design.” It is unclear if the “teachers” providing the face-to-face instruction will be licensed and fully credentialed for the courses they “teach”. If so, how many such teachers does the school expect to employ, and what credentials will each be expected to possess?~~

**Response provided on page 48 of the resubmission does not adequately address this concern.**

- ~~d. “The curriculum and most teachers will be online” (page 27). Any teachers employed and provided to the school by the school’s distance education provider would, by definition, be provided to the school by an EMO. There is a limit on the number of teachers that can be provided by an EMO to a school (NAC 386.407). Referring to NAC 386.407, provide a detailed explanation of the number of teachers needed by the school, the number to be employed by the school’s board, and the number to be provided by an EMO. A similar finding appears within the Operations Plan.~~

**Response provided on page 48 of the resubmission does not adequately address this concern.**

~~e. “Teachers will work with students through a Socratic dialogue...”? How many teachers are trained in this method? How will the school ensure that all teachers hired have a background in Socratic dialogue?~~

~~f. The statement on page 10 regarding approval by the Authority of “all course descriptions” (mid-page) is unclear. It seems to refer to prior applications submitted for a Legacy International charter school. Other than a distance education course or program approval by the NDE a year ago, the Authority is unaware of any course description “approvals” by the NDE or the Authority.~~

- ~~4. The narrative does not provide a coherent framework for professional development. No specifics are included to address special populations’ needs. Training should be included on WIDA standards. Training for the school’s programs such as Edmentum and Forest Trail are not included. Marzano is not mentioned. **Please address.**~~
- ~~5. The school envisions using ‘internalized discipline’ and plans to discuss issues with students when they arise, weighing each issue individually. While this plan has some strong components, there is little information on how the staff will build up students’ ability to control their behavior, and how staff will deal with issues in the meantime. **Please address.**~~

### Special Populations (6-12):

~~6. A.8.2. & A.8.6., page 4 – Caution should be given to the licensed Special Education teacher delivering intervention instruction to Tier 1, 2, or 3 non-special education students. If the Special Education teacher is co-teaching in the general education classroom, they can work with any student in that classroom, but non-disabled students cannot be taken out of the general education classroom to work with the Special Education teacher at any time. This could conflict with your Child Find responsibilities. **Either reword this section and be very specific or revise the plan that has the Special Education teacher providing intervention instruction to students in RtI.**~~

~~7. A.8.3. – No transportation reimbursement is found in budget. Please set aside transportation reimbursement for any student who's IEP has transportation provided.~~

~~8. A.8.6. attachment – Second column for RtI flowchart is missing two boxes at bottom (i.e. “need persists” and “schedule PST meeting”) and an arrow going to the second box in column three. **Please revise.**~~

~~9. A.8.7. attachment – The Continuum of Service Delivery chart is not complete. **Please revise.**~~

**Questions remain regarding the Continuum. For example, under the column “How it will be delivered” where is the “room” for individual contact and where is the “pull-out room” for face to face services?**

~~10. Special Class Services – Remove any reference to Clark County School District. A.8.7. asked for a clear explanation of your proposed school's Special Education continuum of service delivery model that would take place at your school. **Please revise.**~~

**References to Clark County School District remain. A.8.7 is not resolved.**

~~11. Attachment C.1, Budget Supplementary Schedules, Object Code #100 – Must add a minimum of .5 FTE licensed Special Education teacher for the 2014-15 school year based on 10% of projected enrollment of 13 ½ potential Special Education students and 1 – 1 ½ licensed Special Education teachers for the 2015-16 school year based on 10% of projected enrollment of 27 Special Education students. No hiring of a Special Education teacher is mentioned in the budget. **Please revise.**~~

**Resubmitted application failed to adequately address noted concerns. No mention of Special Education teacher for the 2015-2016 school year in budget.**

~~12. Attachment C. 1, Object Code #300 – Special Education services need to be realistic to the projected 13 ½ and 27 Special Education students respectively. **Please revise.**~~

**Resubmitted application failed to adequately address noted concerns. \$4,000 is allotted for Special Education Related Services along with the added addition of possible transportation reimbursements.**

~~13. Attachment C. 1., Object Code #500 and #600 – Please include monies for Special Education –~~

~~Transportation reimbursement, if stated in any students' IEP and supplies (be specific, don't forget about the purchase of Special Education assessment materials and protocols, they are costly).~~  
**Please revise.**

14. Budget needs to reflect the purchase of ELL annual assessments at \$23 per qualified ELL student.  
**Please revise.**

15. A.8.2 states that "LICPA will adapt the online curriculum, make accommodations and or modifications to meet and exceed state requirements for each student with Special Needs." **Please explain what "modifications" you are referring to as only supplemental materials may be used to modify a program of distance education.**

16. Pg. 9: English proficiency is determined by WIDA/Access. The ELPA is no longer used. **Please revise.**

17. The school's program for English language learners needs to be revisited and developed to reflect the legal requirements of all public schools in the identification, delivery of instruction, and monitoring of ELL students. **Please revise.**

**Resubmitted application failed to adequately address noted concerns. The ELL delivery of instruction has been enhanced and would meet criteria; however, the identification and monitoring does not meet the state and federal requirements.**

18. Page 56 of attachments: The LICPA target population includes all athletes, student performers, and other students in Clark County who are underperforming and/or at risk of failing in K-12 schools public and private schools, online schools and homeschools. This audience is by definition an at-risk population and underserved by the public and private schools. How are they by definition at risk? A.7.6 redefines "at risk." This school is not targeting "at risk" students—At risk due to inflexible attendance policies in a traditional school does not qualify these students as "at risk." **Please address.**

19. Projected proficiency goals are set higher than the 2014-2015 AMOs for Elementary and Middle school but lower for High School. **Why did the Committee to Form the School choose these particular percentages?**

20. 90% of ELL students will be proficient in English within one year of enrollment. **Is this realistic? Please provide the rationale for selecting this target.**

21. The application doesn't effectively address the data management plan. No mention was found of what learning management system the school will be using. Three instructional programs mentioned in A.3 with no explanation on how the school will manage the various student inputs from these three systems plus Khan Academy. Added to the mix is the need to maintain Infinite Campus (i.e., the SIS) and ensure it interfaces with the LMS the school determines. **Please revise.**

**Resubmitted application failed to adequately address noted concerns.**

22. Page 24 of narrative: LICPA will recruit at risk students, but there is no clear explanation of how this will be done. A.7.5 provided as narrative, no attachment. Recruitment focuses on high-level performance programs and athletes. **Please describe the school's marketing strategy.**

23. Ensure the daily schedule, school calendar, and application to operate an alternative schedule (if needed) are complete and aligned with other aspects of the proposed program

**Resubmitted application failed to adequately address noted concerns. Incomplete submission – school calendar does not contain all necessary information, and the application for an alternative schedule is not found.**

- ~~24. A.3.10 did not address transfer of credits. Please address.~~

## Operations Plan

25. The following statement is of concern, because it indicates a lack of understanding regarding the supremacy of the board over any EMO with which the board may contract: "The School Board will either contract with an EMO, or the board itself establishes policy." An EMO should never be called upon to "establish policy" for a charter school; that's the school's board's job. **Please address.**
26. The proposed school is presented as a "blended learning" one. The application states "We will not accept...distance education only students into our programs." It's not clear how the school would differentiate between what it considers "distance education only students" and all other types of students. What are the types of students? Has the school confirmed with NDE (distance education staff and/or auditors) its distinction between "distance education only" students and students the school intends to enroll? It's not clear how this distinction complies with the guidance provided by the SPCSA, "Use of Online Curriculum..." **Please address.**
27. Given the teacher credentialing requirements of NRS 386.590, it's not clear how four teachers could serve pupils in grades 4-12. Consistent with the comment within the Education Program section it was not clear in the application or interview that the Committee has fully explored and subsequently has a plan for hiring and evaluating instructional staff. **Please address. Specific comments from the Review Team appear below.**
- Please explain the certified staffing structure for this education program. Are they all provided through the purchased instructional program? Who is going to be teaching the foreign language mentioned in the course requirements? Who is going to be teaching all of the Honors, AP courses, on-site courses, etc.?
  - Staffing does not include special population considerations that are covered in other aspects of this application.

Resubmitted application failed to adequately address noted concerns. The staffing plan and the intersection of statute and regulation governing this area of charter school operation continue to be a challenge for LIPCA. Page 48, B.4.1, Staffing Plan contains the following revised language identified by LIPCA as a response to 27 a & b. Bold text identifies new language:

"LIPCA will contract with Edmentum/Ed-options for services of certified teachers for all subject and grade levels. LIPCA will hire the online teachers and provide supervision and assessments of all online and face-to-face teachers. LIPCA will add to this online staffing for the face-to-face program. LIPCA anticipates hiring one Head of School, one administrative office manager, four teachers, and 4 four tutors/teachers' aides. This staffing level provides for every 30 students, one face-to-face teacher, one paraprofessional one tutor in addition to the online teachers for every subject area and grade level."

The response does not provide enough information in response to the concern noted in 27 (above).

28. The following types of teachers are identified as staffing the school in year one and presumably employed by the school's board rather than by an EMO: "Four face to face classroom teachers [each with fairly highly specialized license endorsements]..." A fifth (despite the claim of "four") would be "certified in math/science," a highly sought-after teacher for whom the school would have stiff competition in hiring. But unless the distance education provider would also provide teachers (which would make the provider an EMO) the school would need to staff grades 4-8 classrooms (that would take at least 5 elementary-credentialed teachers) as well as core subject classrooms at grades 9-12. It is not clear whether the distance education provider will employ and provide to the school any teachers, and if so, which ones. If all teachers would be employed by the school's board, it's difficult to see how 4 (or 5) could meet the requirements of a grades 4-12 school. If the school anticipates no teachers of record to be provided by an EMO, the school will need to employ such teachers (fully credentialed) for all grade levels and core subject areas. **Please address.**

Resubmitted application failed to adequately address noted concerns. The application suggests that up to 30% of the school's teachers would be employed and provided to the school by Edmentum (p. 211). It remains unclear how many and what types of teachers (Core subject teachers? Which subjects?) Edmentum would provide (based on the school's projected enrollment). This is vital information because Edmentum would provide (per regulation) no more than 30% of the school's teachers, and the school's board would provide the rest of the teachers (four teachers only), who would need to be properly credentialed for the courses they teach.

The Services Agreement appears to be incompletely transcribed into the application; this further complicates matters. Item 4.8.3 (bottom of page 222) is cut off and incomplete. The last line on page 222 is a sentence fragment. Page 223 text doesn't follow text from p. 222. Given the incomplete and template nature of the Agreement, the reviewers are unable to fully understand the proposed contractual relationship between the EMO and LICPA. Additionally, the budget included in the resubmission is not clear in this area.

The budget narrative states under "supplies" that Edmentum would charge \$2,000 per student for 120 students in 2014-15, however, per the Cover Sheet, 135 pupils (9 times 15) are projected for 2014-15. It's not clear why the EMO fees would be listed under "supplies." It's not clear how many teachers would be provided under this plan - the budget narrative states the fee would cover "some online teachers." Regarding costs of Edmentum's services, the application states only that the Board would pay the EMO per the "EMO contracted prices based on the proposal and contract." (p. 209) The Services and Support Agreement (p. 210-224) identifies no costs. The "Order Form" that would identify costs (p. 218) was not found in the application.

29. The facility plans raise a number of concerns, particularly related to the fact that the school intends to negotiate free space and has a very broad range of expected enrollment (i.e., 30—4,000 students). The proposed EMO has been running a pilot program for two years which is currently housed in one of the spaces mentioned—yet one of the letters of support stated that this facility is already full (presumably making it unfit as a future site). Letters of support from other potential locations made no statements of interest or commitment to the idea of providing free space to the school. **Please address.**



30. ~~The affidavits submitted are not the Assurances that are required. Provide the signed, notarized Assurances.~~

31. The lottery method is not the one provided as a model by the SPCSA. If the school wishes to propose a lottery method other than the one provided as a model, it must explain all deviations from the model language. Note the material provided (page 161) in the last two paragraphs is unnecessary if the model language is adopted. Please revise.

Resubmitted application failed to adequately address noted concerns. It appears instructions for use of the model lottery statement was not followed, for example, the application (p. 182-187) indicates that "We will adopt the following exemptions..." and "We will adopt none of the...exemptions." Also, the Cover Sheet of the application indicates the school would limit enrollment, however the lottery statement indicates the school would not limit enrollment; this is an inconsistency in the application. Also, it's not clear why the language on p. 187-188 is included; the model language is meant to be complete without elaboration.

32. ~~Please note:~~ Page 51 cannot go to K-3 without amending contract.

33. ~~Teacher recruitment includes going through CCSD or NDE. Please explain how this will work or revise accordingly.~~

34. ~~Description of special education accommodations doesn't align with previous description in special education section. Please revise.~~

35. ~~The application indicates seven board members; the bylaws indicate five. Please reconcile: either a minimum of five or make the numbers consistent.~~

36. ~~Bylaw Art 7.3: How/when will the "...manner as shall be determined..." be memorialized?~~

## Financial Plan

37. The application does not present a budget that aligns with and supports the school's plan. **Ensure the budget(s) are aligned with all sections of the application.**

**Resubmitted application failed to adequately address noted concerns.**

38. The number and depth of mistakes in the budgets and cash flow statements as well as the lack of internal alignment with the proposed education and operations plan severely undermines the review team's confidence in the proposed school. **Ensure the budget(s) and cash flow statements are aligned with all sections of the application.**

**Resubmitted application failed to adequately address noted concerns.**

39. Prior to opening in fall, 2014, the school claims to have access to three \$50,000 lines of credit (Foundation Funds) from three separate sources. It is difficult to tell if they would be loans or donations or under what terms the funds could be accessed. **Please clarify.**

40. The application states that the minimum number of enrolled pupils necessary for financial viability of the school is 30 students. It does not present documentation of any form to support this. **Provide adequate documentation and rationale for this minimum number.**

**Resubmitted application failed to adequately address noted concerns. The stated minimum number of students for financial viability doubled in the resubmission from 30 to 60. The narrative provided for this change is not specific enough to determine its accuracy. The applicant never provided Required Element C.2.8, a break-even cash flow statement.**

41. The \$150K in Foundation loan funds (verification letters notwithstanding) would need to be better documented to be accepted as available funds. **Is the 3rd letter from Horizon Helicopters or OnDeck Baseball Academy? Reasonable repayment schedules need to be established.**

**It is difficult to tell how the loans or donations would be accessed, under what terms and who determines when/how they could be accessed.**

42. FY15 budgeted revenue (\$874,480) is \$50,000 less than FY15 cash flow statement revenue (\$924,480). The difference appears to be \$100,000 in donated or borrowed funds in the budget versus \$150,000 in donated or borrowed funds on the cash flow statement. It is difficult to tell because the budgeted description is "Miscellaneous - local sources" vs. "Donations" as a description on the cash flow statement. **Please address.**

**The amount in the budget has changes from \$100,000 to match the \$150,000 on the cash flow statement.**

43. FY15 Net Change in Cash appears to be off by the same \$50,000 between the budget and the cash flow statement. This is uncertain because the budget presents revenue in a column labeled "Estimated Current Year Ending 6/30/14" and expenditures in a column labeled "Tentative Approved Budget Year Ending 6/30/15", with no netting to produce a change in cash balance. The cash flow statement shows a 6/30/15 positive net change in cash of \$150,000, the exact amount of the foundation funds if they were accessed prior to school opening. In other words, exactly the amount of DSA taken in by the

school would be spent in FY15, leaving only the \$150,000 in foundation funds available for FY16. Please address.

Resubmitted application failed to adequately address noted concerns. The amount in the budget has changed from \$100,000 to \$150,000. Revenue and expenditures are still presented in two different columns, one of which is improperly figured for the year ending 6/30/14. The \$150,000 in loan/donated funds is still exactly what remains available for FY16. The uncertainty of these funds leaves the proposed school in a precarious financial position at the end of FY15 and it may be determined that the school unduly relies upon these funds for continued operation.

44. The FY16 budget does not include any DSA funds as revenue, only the \$150,000 in foundation funds referred to immediately above. It includes \$1,548,960 in expenditures, yielding a negative ending fund balance of \$1,398,960. The FY16 cash flow statement shows revenue and expenditures of exactly \$1,548,000, leaving only the \$150,000 in foundation funds as the ending fund balance for the second straight year. Please address.

Resubmitted application failed to adequately address noted concerns. Applicant resubmitted the same document with no changes.

45. Attachment C.1, Budget Supplementary Schedules, Object Code #100 – Must add a minimum of .5 FTE licensed Special Education teacher for the 2014-15 school year based on 10% of projected enrollment of 13 ½ potential Special Education students and 1-1 ½ licensed Special Education teachers for the 2015-16 school year based on 10% of projected enrollment of 27 Special Education students. No hiring of a Special Education teacher is mentioned in the budget. Please revise.

Addressed in prior section.

46. Attachment C.1, Object Code #300 – SPED services need to be realistic to the projected 13 ½ and 27 Special education students respectively. Please revise.

Addressed in prior section.

47. Attachment C.1, Object Code #500 and #600 – Please include monies for Special Education – Transportation reimbursement, if stated in any students' IEP and supplies (be specific, don't forget about the purchase of Special Education assessment materials and protocols, they are costly). Also, you must plan on purchasing the ELL ELPA assessments annually at \$23 per student. Please revise.

48. The EMO reducing its fee to zero is not an acceptable cost containment technique. The EMO per student increase in year 2 "because the school could financially sustain" the increase is not a valid reason for an increase. Otherwise, for "\$350 per student," which appears to violate NRS 386.562(1)(j) because the fee is not "attributable to the actual services provided by the EMO"; it's a catch-all fee that appears arbitrary, considering the EMO would provide the same services for no cost, and considering that the fee "shall be adjusted annually..." (page 188) The fee structure seems to be based more on what the school could afford than on the "actual services provided by the EMO"; see language on Page 44, "The EMO charge increased in year two because the school could financially sustain the \$350 fee with increased enrollments." Please revise accordingly.

**Resubmitted application failed to adequately address noted concerns. The central issue is LIPCA's presentation of cost containment techniques. Eliminating the EMO fee addresses the unacceptable nature of this technique to contain costs; however, LIPCA does not propose any alternative method or technique they will use to contain costs under certain financial pressures.**

49. The curriculum is budgeted for \$1,000/student. Yet the application states Connections curriculum and teachers is \$4,000/student. Although it is indicated that the Committee is negotiating this to be lower, evidence is needed to suggest Connections will reduce their costs 75%. Ensure the budget reflects all costs associated with the program outlined in prior sections of the application. **Please revise accordingly.**

**Resubmitted application failed to adequately address noted concerns. LIPCA budgets \$2,000 (\$2,300 in Year 2) per student for curriculum and instruction as provided by their EMO, Edmentum. The lack of a complete Service Agreement (i.e., with a pricing sheet) complicate this review. The resubmission is incomplete.**

- ~~50. Please include a budgeted expense for the audit firm.~~

51. Page 64: The school must maintain their own insurance. The insurance estimate provided in C.3 does not appear to reference NAC 386.215 at all, so it's difficult to know whether the types and amounts of insurance for which the estimate was provided are the ones required by regulation. A cost of \$4,950 is identified in the estimate; the amount identified in the year 1 budget narrative is \$21,000. **Please address.**

**Resubmitted application failed to adequately address noted concerns. No insurance expenditures appear in the 2015-2016 budget.**

52. Page 349: No reference to emergency services, drills or emergency management plan found within the application. **Please address.**

**Resubmitted application failed to adequately address noted concerns. The resubmission contains a number of entries that are a copy and paste of relevant statute and a commitment to future development.**

## Performance Record

~~53. The justification of performance for the LII (the proposed EMO) is reliant upon the success of a pilot program that has been in operation for three years. According to the interview the pilot project has worked with 18-20 students over the three year pilot. Data were provided in an attempt to extrapolate the performance of the pilot with other schools; however, the size of the pilot program and selective nature of the pilot student sample raise questions among the review team and the school's ability to scale the pilot successfully as a public school. Please address.~~

**No longer applicable.**

~~54. Given that the role of the EMO, as contemplated in the contracts, includes critical functions related to human capital as well as compliance and finance, the questions raised in various sections of this review draw into question the EMO's ability to support Legacy in these important aspects of a school's operation. This concern is compounded by the Committee's rationale to contract with an EMO that is silent on providing services other than providing "...online teachers and an online curriculum in a blended program." It is important to note that the contracts specify a much broader delivery of services that include finance and management. Please address.~~

**No longer applicable.**

~~55. Additional evidence in the Committee's need to clarify how the two contracts align to efficiently serve the school is found within the scope of work considered under each and the apparent overlap in services. For example, the service agreement with the EMO includes human resource coordination—the EMO will identify and propose for employment qualified principals, teachers, etc... as well as professional development. The second contract, the Trademark License and Affiliation Agreement, includes a scope of work that appears to be included in the service agreement. For example, under the Affiliation Services the EMO will provide "staff selection and training; on site Head of School hiring and training." Please address.~~

**No longer applicable.**

56. Page 163: It's difficult to determine whether the EMO providing the teachers (Note that an EMO may provide only a small percentage of the teachers the school would use, per NAC) would be LEAP or the entity providing the distance education curriculum. Language here (P. 163-164) also indicates no curriculum has yet been chosen. **Please address.**

**Resubmitted application did not adequately address noted concern.**

~~57. Page 164: The usefulness of comparing LEAP to K12, Inc., Connections Academy; and others is not clear. Can LEAP provide distance education curriculum as these EMOs can? And given the school's "blended learning" approach, why would the applicants even consider Imagine Schools or others that use a site-based, non-distance education/non-blended learning model? Please address.~~

**No longer applicable.**

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58. Page 172: The EMO, presumably LEAP, "will not employ any personnel in the school." Who would be Legacy International

the employer? The school's board? Or an entity that, by definition, would be a different EMO? Note that no single EMO could provide all the school's teachers, per NAC. **Please address.**

59. Page 181: 2 years is the maximum EMO contract term, per NAC 386.405.

**Incomplete contract submitted with the resubmitted application.**

60. Page 184: From whom would the LICPA Board "lease" employees? Which employees and how many?

**Concerns persist with regard to staffing structure and plan. The resubmitted application states on page 211 that Edmentum's EdOptions program will provide not more than 30% of total teachers. The budget provides for 4 LICPA teachers and no further expenditures for additional teachers hired through LICPA, rather there is reference in the budget narrative to the "purchase the services of online teachers as part of the cost of curriculum". At the 30% cap, this would translate to a total of roughly 6 FTE with 4 provided for through LICPA and 2 provided for by the EMO. The resubmitted application does not clearly describe how this staffing structure would serve the needs of enrolled pupils.**

61. Page 184: ~~"The administration and staff employees shall be employees of Service Provider [LEAP-Innovations]" appears to contradict statements on page 172, perhaps indicating misunderstanding of the roles of EMOs, vendors, and educational service providers. Please address.~~

62. Per the 2014-15 budget narrative, "...we will also purchase the services of online teachers as a part of the cost of curriculum." The distance education curriculum provider would meet the definition of an EMO because it would also employ and provide educational personnel to the school, but the only EMO addressed in the application is LEAP. No agreement with an EMO that would provide both curriculum and teachers is found in the application. **Please address (similar finding in other sections of this report).**

**A complete contract between the EMO and school was not found within the contract. Concern noted above in response to #60.**

63. Page 188: Where in the charter are the "Conflicts of Interest rules" referred to on page 188?

**Partially resolved - school board policy is not stored in AOIS.**

## Evidence of Capacity

64. The Committee to Form the School submitted an application to the Authority for consideration during the 2012 application cycle that was denied. As a result of the review process the Committee received a significant amount of feedback on the application submitted in 2012 – essentially providing a road map to improve the presentation of the Committee’s vision for the school. It is apparent to the review team that last year’s feedback resulted in some changes to and improvement in the application; however, critical concerns exist year over year. One significant area is the composition of the Committee to Form. The recommendation from 2012 included the following comment under Evidence of Capacity:

- a. While members of the Committee have strong professional experience and training, the insular nature of the Committee, which appears to primarily be a group of the founders’ (and EMO principals’) friends and colleagues, calls into question the ability of the future board to fulfill its obligations, most notably, holding LII accountable.

The Committee did not fundamentally redesign itself to address the concern noted last year. The addition of two new members – Mr. Judd and Mr. Oyola – does not resolve the insular nature of the Committee. According to Mr. Judd’s response to the questionnaire he was informed of the opportunity to serve on the Committee by Dr. Levitt, a principal of the EMO. Mr. Oyola was made aware of the opportunity to serve on the Committee through Ms. Banks, who is also on the Committee. It is unclear whether Ms. Banks has any supervisory responsibility over Mr. Oyola at the Venetian Resort where both work in gaming.

The review team considers the members of the Committee to be highly capable and knowledgeable professionals that may well serve as a school’s governing body. However, there appears to be a fundamental and important disconnect between the Committees’ capacity and the application submitted for consideration.

Committee to Form the School: The Committee to Form the School consists of 7 members. While there are a number of military, business and university-related persons on the Committee to Form the School, there appears to be no one with current K-12 education experience on the Committee to Form this proposed grades 4-12 public school. **Please address.**

**There continues to exist a fundamental disconnect between the Committees’ capacity and the resubmitted application submitted for consideration.**

~~65. Based on responses to the CTF questionnaire, CTF members appear to be golf partners, friends, and persons previously associated with G. Levitt and/or S. Grubaugh. There appears to have been little effort by the CTF to expand membership beyond a group already associated with the EMO operators, Levitt and Grubaugh. Please address.~~

**Committee membership was expanded.**

66. Because of the concerns identified above, the application fails to meet B.2 Evaluation Criteria 6 and 8 identified in the 2013 Call for Quality Charter Schools (page 42). **Please address.**

**Resubmitted application failed to adequately address the concerns noted in the review.**

# STATE PUBLIC CHARTER SCHOOL AUTHORITY

## SUPPORTING DOCUMENT

**S U B J E C T:** Discussion and possible action related to items discussed during the January 9, 2014 Authority Retreat. Discussion and possible action may be taken in the following areas:

|                   |                     |
|-------------------|---------------------|
| <u>  /  /  </u>   | Public Workshop     |
| <u>  /  /  </u>   | Public Hearing      |
| <u>  /  /  </u>   | Consent Agenda      |
| <u>  /  /  </u>   | Regulation Adoption |
| <u>  /  /  </u>   | Approval            |
| <u>  /  /  </u>   | Appointments        |
| <u>  /  x/  </u>  | Information         |
| <u>  /  x /  </u> | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 6

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Kathleen Conaboy, Chair, State Public Charter School Authority

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 30 mins

**BACKGROUND:**

- a. Update and discussion related to the SPCSA's Strategic Plan, including, but not limited to, the following strategies: (SPCSA Staff)
  - i. Supporting strong school governance
  - ii. Open and sustain quality new schools
  - iii. Collaborate to improve the environment for Nevada charter schools
- b. General discussion related to Authority operations as a charter school sponsor, including, but not limited to, the following topics: (SPCSA Staff)
  - i. Intersection of support, autonomy, and accountability
  - ii. Authority LEA status
  - iii. Human capital needs at the Authority and plan to fill
- c. Presentations by Authority staff in the following areas:
  - i. Annual Reporting Requirements Manual and AOIS (Katie Higday, Management Analyst)
  - ii. Infinite Campus transition (Traci House, Business Process Analyst and Brian Planner, Administrative Services Officer)
- d. General discussion related to contested cases to be heard at a public hearing before the Authority (SPCSA Staff, Shane Chesney, Senior Deputy Attorney General)
- e. Update on NDE activities from the Superintendent of Public Instruction (Dale Erquiaga, Superintendent of Public Instruction)

**SUBMITTED BY:** \_\_\_\_\_



**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T:** Discussion and possible action  
regarding the approval to postpone the  
commencement of charter school operation

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  x/  </u> | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 7

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Tom McCormack, Education Program Professional, State Public Charter  
School Authority

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 30 mins

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

Postponement of Commencement of Operation of a Charter School,  
Applicable Statute and Proposed Policy

Pursuant to NRS 386.527, "The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year."

Proposed policy: Pursuant to NRS 386.527, the State Public Charter School Authority (SPCSA) may require or authorize delay of commencement of the operation of a charter school for *no more than 1* school year beyond the school's planned startup year identified in the charter school's application. If a charter school that has delayed commencement of operation pursuant to NRS 386.527 fails to commence operation the year after its original planned commencement and wishes to begin operation at some future date, it must submit for review and approval by the SPCSA a charter school application during the application submission window identified in regulation for that future date.

Status of pending applications (Note: The "Subsection 7 Charter" no longer exists in statute. Proposed schools with Subsection 7 Charters received the Subsection 7 Charter before the change of the law in 2013. Pursuant to NAC 386.240, a Subsection 7 Charter "...may be renewed for not more than 1 fiscal year...");

**American Preparatory Academy**

- Approved for Subsection 7 Charter in January, 2013;
- Subsection 7 Charter expires June 30, 2015;
- Subsection 7 Charter may be renewed by the sponsor for no more than one additional fiscal year.

**Leadership Academy of Nevada**

- Approved for Subsection 7 Charter in January, 2013;
- Subsection 7 Charter expires June 30, 2015;
- Subsection 7 Charter may be renewed by the sponsor for no more than one additional fiscal year.

**Nevada Performance Academy**

- Approved for Subsection 7 Charter in October, 2012;
- Subsection 7 Charter expires June 30, 2015;
- Subsection 7 Charter may be renewed by the sponsor for no more than one additional fiscal year.

**Sterling Charter High School, Southern Nevada**

- Approved for Subsection 7 Charter in October 2012;
- Subsection 7 Charter expires June 30, 2015;
- Subsection 7 Charter may be renewed by the sponsor for no more than one additional fiscal year.

**New America School**

- Approved for Subsection 7 Charter in March 2012;
- Subsection 7 Charter originally expired June 30, 2014;
- On January 8, 2013, the SPCSA extended the expiration date to June 30, 2015.

**Willie Brooks SOAR Academy**

- Approved for Subsection 7 Charter in January, 2011;
- Subsection 7 Charter originally expired June 30, 2013;
- On March 22, 2013, the SPCSA extended the expiration date to June 30, 2014.

DRAFT

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T:** Approval of New America  
School's request for an extension of Subsection 7  
per NAC 386.240(1)

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  x/  </u> | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 8

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Tom McCormack, Education Program Professional, State Public Charter  
School Authority

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**RECOMMENDATION:** Approve New America's request for an extension of Subsection 7 per  
NAC 386.240(1)

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 10 mins

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_



Larry P. Mason  
Board President

October 13, 2013

Kathleen Conaboy  
Chair, Nevada State Public Charter School Authority

On behalf of the Governing Body of the New America School, I wish to request an extension (pursuant to NAC 386.240(1)) of the New America School-Las Vegas subsection 7 charter for one additional fiscal year to expire June 30, 2016.

The biggest factor impacting our decision not to open in August 2014 has been the inability to raise the necessary start-up dollars. We were successful in receiving a \$50,000 donation from the Jared Polis Foundation and have had a pledge from the Barrick Mining group. However, Barrick Mining has not finalized either the total amount of the pledge or the timing of the giving. A facility had been located but without the start-up dollars to support furniture, fixtures and equipment, and other planning costs we were not able to finalize our facility commitment. Even if the financial support was now found we would not have the time to renovate the facility in time for an August 2014 start date.

We will continue to pursue aggressively other funding sources and hope we will have the necessary start up dollars required to open in August 2015.

I trust our rationale for requesting an extension is appropriate for the Authority. If you have any questions please feel free to contact me.

Sincerely,

Larry Mason  
President, New America School Governing Council

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T:** Discussion and possible action  
regarding proposed NAC revisions

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  x/  </u> | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 9

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Tom McCormack, Interim Director, State Public Charter School Authority

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 20 mins

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

## Proposed Revisions to Charter School NAC,

December 19, 2013, Revision

Proposed new language in ***bold italics***

Language proposed for deletion ~~struck through~~

Comments in red

**NAC 386.010 Definitions.** (NRS 386.540) As used in NAC 386.010 to 386.445, inclusive, unless the context otherwise requires, the words and terms defined in NAC 386.015 to 386.050, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R193-01, 4-1-2002; A by Bd. of Education by R206-01, 4-1-2002; A by Dep't of Education by R044-05, 10-31-2005; R171-05 & R188-05, 2-23-2006; R207-07, 6-17-2008; R169-07, 9-18-2008; R061-08, 9-18-2008)

**NAC 386.015 “Authorized insurer” defined.** (NRS 386.540) “Authorized insurer” has the meaning ascribed to it in NRS 679A.030.

(Added to NAC by Dep't of Education by R044-05, eff. 10-31-2005)

**NAC 386.020 “Charter school” defined.** (NRS 386.540) “Charter school” means a public school that is formed pursuant to NRS 386.500 ~~386.490~~ to 386.610, inclusive, and NAC 386.010 to 386.415, inclusive.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R044-05, 10-31-2005)

**NAC 386.030 “Department” defined.** (NRS 386.540) “Department” means the Department of Education.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98)

~~**NAC 386.033 “Educational management organization” defined.** (NRS 386.540) “Educational management organization” means a corporation, business, organization or other entity, whether or not conducted for profit, with whom the governing body of a charter school contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school.~~

~~—(Added to NAC by Dep't of Education by R193-01, eff. 4-1-2002; A by R170-07, 9-18-2008)~~

NAC 386.033 is now in NRS 386.562.

**NAC 386.037 “Fiscal year” defined.** (NRS 386.540) “Fiscal year” means the 12-month period beginning on the first day of July and ending on the last day of June.

(Added to NAC by Dep't of Education by R193-01, eff. 4-1-2002)

**NAC 386.040 “Governing body” defined.** (NRS 386.540) “Governing body” means the governing body of a charter school that is established pursuant to NRS 386.549 and NAC 386.345.

(Added to NAC by Dep’t of Education by R196-97, eff. 3-13-98; A by R193-01, 4-1-2002)

**NAC 386.045 “Operational charter school” defined.** (NRS 386.540) (***NRS 385.080, NRS 386.578***) Two new NRS citations added to the heading so that we can eliminate NAC 386.430 which also defines operational charter school but cites these two NRS. “Operational charter school” means a charter school in which pupils are enrolled who are receiving instruction from the charter school *and includes the school’s startup period between July 1 immediately preceding the school’s first year of operation and the first day instruction is provided by the school.*

(Added to NAC by Dep’t of Education by R193-01, eff. 4-1-2002)

*“First day of operation” defined. For the purposes of NRS 386.527(9) (AB 205 version), the first day of operation of a charter school shall be July 1 immediately preceding the first day of instruction provided by the school.*

**NAC 386.050 “Written charter” defined.** (NRS 386.540) “Written charter” means a written charter granted by the board of trustees of a school district, a college or university within the Nevada System of Higher Education, *the State Public Charter School Authority* or the State Board of Education pursuant to NRS 386.527. The written charter includes both the application to form a charter school approved by the sponsor and a written agreement signed by the sponsor and the charter school.

(Added to NAC by Dep’t of Education by R196-97, eff. 3-13-98; A by R163-99, 2-2-2000; R193-01, 4-1-2002; R169-07, 9-18-2008)

“Charter Contract” is defined in AB 205, Sec 2. The definition of Written Charter should be maintained in NAC until January 2020.

The following is proposed new NAC. “Addressed” refers to the sections of the contract; “incorporated” refers to items that are attached to/incorporated into the contract as “exhibits”:

*The charter contract shall address, without limitation:*

- *Operation of the school;*
- *School Operations;*
- *Educational Program;*
- *Charter School Finance;*
- *Insurance and legal liabilities;*
- *Transparency and accountability;*
- *Oversight;*
- *Termination and default termination;*
- *Closure;*
- *Dispute resolution;*



- *School performance standards and review; and*
- *Contract Construction.*

*The charter contract shall incorporate, without limitation, the:*

- *Charter school performance framework;*
- *Articles of incorporation, if applicable;*
- *Charter contract renewal application, if applicable;*
- *Charter application; and*
- *Pre-opening requirements.*

#### Formation

**NAC 386.090 Committee to form charter school and governing body: Interpretation of statutory qualification for membership.** (NRS 386.520, 386.540, 386.549) As used in subsection 4 of NRS 386.520 and subsection 5 of NRS 386.549, the Department will interpret the term “2 years of experience as an employed teacher” to mean 2 years of experience as an employed teacher in any state in a position for which a teaching license is required.

(Added to NAC by Dep’t of Education by R193-01, eff. 4-1-2002)

**NAC 386.100 Administrative head: Selection; qualifications and responsibilities; notification of selection or replacement.** (NRS 386.540, 386.590)

1. A committee to form a charter school may select a person to function as the administrative head of the proposed charter school. The governing body of a charter school ~~may~~ **shall** select a person to function as the administrative head of a charter school.

2. A person selected to function as the administrative head of a charter school pursuant to subsection 1:

- (a) Must meet the qualifications set forth in subsection 6 of NRS 386.590; and
- (b) Shall manage the programs and operations of the charter school in accordance with:
  - (1) The written charter ~~or charter contract~~, **as applicable**, of the school; and
  - (2) All other applicable federal, state and local laws and regulations.

3. If an administrative head of a charter school was not identified in the application to form the charter school and the ~~charter school~~ **governing body** subsequently selects an administrative head, the name, title, address and telephone number of the administrative head must be submitted to the Department and to the sponsor of the charter school not later than 5 business days after the administrative head is selected. If the charter school replaces the administrative head, the name, title, address and telephone number of the new administrative head must be submitted to the Department and to the sponsor of the charter school not later than ~~30~~ **5** business days after such replacement.

4. A person who has been convicted of a felony or a crime involving moral turpitude may not serve as an administrative head of a charter school.

(Added to NAC by Dep’t of Education by R196-97, eff. 3-13-98; A by R193-01, 4-1-2002)

**NAC 386.110 Appointment of liaison between committee to form charter school and ~~Department~~ proposed sponsor.** (NRS 386.540) A committee to form a charter school shall, to enable the ~~Department~~ **proposed sponsor** to deal with a single person as the committee applies to

form a charter school, appoint from among its members a person to act as liaison between the committee and the Department ***proposed sponsor***.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98)

For 386.120, below, the AB 205 revision of NRS 386.540 has the following new requirements:  
“The NDE shall adopt regulations that prescribe:

- The timeline for review by the NDE of an application for authority to sponsor charters submitted by a school district or college/university;
- The process for NDE to review the application for authority to sponsor charters;
- The process for NDE to conduct a comprehensive review of the sponsors it has approved at least once every 3 years;
- The process for NDE to determine whether to continue or revoke the authorization for a school district or college/university to sponsor schools.

The NDE has always had to prescribe the contents of the application; that's not a new requirement.

Additionally, the regs must indicate that all of the above pertains to colleges/universities as well as school districts.

**NAC 386.120 Sponsorship of charter schools by board of trustees *or a college or university within the Nevada System of Higher Education: Application for authorization.* (NRS 386.515, 386.540)**

1. The Department will prescribe forms ***the contents of the application*** for the use of the board of trustees of a school district ***or a college or university*** in applying for authorization to sponsor charter schools pursuant to NRS 386.515. The following information must be provided on the application:

(a) The date on which the board of trustees ***or a college or university*** voted to apply for authorization to sponsor charter schools, as reflected in the minutes of the board ***or the college or university***.

(b) The signature of the superintendent of the school district that the board of trustees serves ***or the signature of the president of the college or university***.

(c) ***The school district or college or university's plan shall review and evaluate nationally recognized best practices and include:*** The following come from NRS 386.515.

- ***Organizational capacity and infrastructure;***
- ***Evaluating, approving and declining charter school applications;***
- ***Determining whether a charter school application is high quality, meets pupils' identified educational needs, and serves to promote the diversity of public educational choices;***
- ***Negotiating and executing charter contracts with charter school governing bodies;***
- ***Monitoring the performance and compliance of each charter school sponsored by the school district or college or university; and***
- ***Determining whether the charter contract merits renewal or shall be revoked.***

2. Upon completion of the ~~forms~~ **application** prescribed pursuant to subsection 1, the board of trustees of a school district **or college or university** that applies for authorization to sponsor charter schools pursuant to NRS 386.515 shall forward the application to the Department for **review and approval or denial**.

3. *Within 30 days of receipt of an application prescribed pursuant to subsection 1, the Department shall review the application and prepare a recommendation for approval or denial of the application by the State Board of Education at its next regularly scheduled meeting. The Department shall notify the applicant for sponsorship authority of its recommendation and the State Board's denial or approval of the application, as applicable, within 15 days following the State Board meeting.*

4. *If the application to sponsor charter schools is denied, the applicant must be informed of the reasons for denial and allowed to resubmit the application within 30 days of receipt of the written notice of denial.*

5. *The Department shall review for compliance with applicable statute and regulation and nationally recognized best practices the performance of each school district or college or university sponsor of a charter school once every three years. Such review shall consider, without limitation, the report submitted by the charter school sponsor pursuant to Section 19 of AB 205. The result of such review by the Department shall determine whether the Department continues or revokes the sponsor's authorization to sponsor charter schools.*

6. *An entity that is eligible to request from the Department permission to sponsor charter schools and that wishes to request such permission shall submit to the Department an application to sponsor charter schools no later than May 1 of the calendar year in which the entity would begin accepting charter school applications.*

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98)

**NAC 386.125 Submission and contents of letter of intent to form charter school. (NRS 386.525, 386.540)**

1. A committee to form a charter school must submit to the Department **proposed sponsor** a letter of intent to form a charter school. The letter of intent must be submitted in the same fiscal year in which the application to form the charter school is submitted and must be received by the Department **proposed sponsor** no fewer than 15 days before the application is submitted.

2. The letter of intent must include:

(a) The name of the school district in which the proposed charter school ~~will~~ **would** be located;

(b) Whether the proposed charter school ~~will~~ **would** be dedicated to providing educational programs and opportunities for pupils who are at risk;

(c) Whether the proposed charter school ~~will~~ **would** operate exclusively for the enrollment of pupils who receive special education pursuant to NRS 388.440 to 388.520, inclusive; **provide distance education**;

(d) The date on which the proposed charter school ~~will~~ **would** begin operation; and

(e) Whether the proposed sponsor is the school district in which the charter school ~~will~~ **would** be located, a college or university within the Nevada System of Higher Education or the State Board of Education **Public Charter School Authority**. ~~If the proposed sponsor is a school district, a college or a university, as applicable, the application may be submitted to the State~~

~~Board of Education pursuant to NRS 386.525 only if the application has been denied twice by the school district, the college or the university, as applicable, pursuant to NRS 386.525; ;~~

*(f) Whether the proposed school's governing body would contract with an educational management organization to assist with the operation, management or provision and implementation of educational services and programs of the proposed charter school;*

*(g) Whether the proposed school would contract with an educational management organization to directly employ and provide educational personnel to the proposed charter school;*

*(h) The name of the proposed school; and*

*(i) The name and contact information for the liaison between the committee to form the charter school and the proposed sponsor.*

(Added to NAC by Dep't of Education by R163-99, eff. 2-2-2000; A by R024-01, 11-1-2001; R193-01, 4-1-2002; R171-05, 2-23-2006; R169-07, 9-18-2008)

**NAC 386.130 Application to form charter school: Forms; restrictions on submission and acceptance. (NRS 386.520, 386.525, 386.540)**

1. The Department *State Public Charter School Authority* and each sponsor approved by the Department pursuant to NRS 386.515 will prescribe forms for the use of a committee to form a charter school in applying to:

(a) ~~The Department, pursuant to subsection 2 of NRS 386.520;~~

(b) The board of trustees of the school district in which the proposed charter school will be located, pursuant to NRS 386.525;

(c) A college or university within the Nevada System of Higher Education, pursuant to NRS 386.525; and

(d) ~~The State Board of Education~~ *Public Charter School Authority*, pursuant to NRS 386.525,

→ to form a charter school.

2. An application to form a charter school must not propose to form a charter school in more than one county. ~~The Department~~ *A proposed sponsor* will accept only one application per year from each committee to form a charter school. ~~The State Board of Education, a college or university within the Nevada System of Higher Education and the board of trustees of a school district shall accept only one application per year from each committee to form a charter school.~~ An application that is submitted to:

(a) ~~The Department, pursuant to subsection 2 of NRS 386.520;~~

(b) The board of trustees of the school district in which the proposed charter school will be located, pursuant to NRS 386.525;

(c) A college or university within the Nevada System of Higher Education, pursuant to NRS 386.525; and

(d) ~~The State Board of Education~~ *Public Charter School Authority*, pursuant to NRS 386.525,

→ must be submitted on forms prescribed pursuant to subsection 1 and must be submitted to the Department ~~not later than 5 p.m. on September 1~~ *proposed sponsor during the last three business days of August* of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation and ~~to the proposed sponsor not later than 5 p.m. on December 15 of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation.~~

3. An application to form a charter school may not be submitted earlier than 2 fiscal years immediately preceding the fiscal year in which the proposed charter school will begin operation.

**4. Based on a team review of an application and an in person interview with the Committee, staff shall recommend to the proposed sponsor at the meeting to be held pursuant to NRS 386.525(4) or (8), as applicable, approval or denial of the application.**

**5. If an application that was denied by a proposed sponsor is resubmitted pursuant to NRS 386.525(6) or (9), the proposed sponsor shall consider the resubmitted application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the proposed sponsor.**

6. 4. Pursuant to NRS 386.520 and 386.525, only a committee to form a charter school may submit an application to form a charter school. ~~The Department~~ **A proposed sponsor will shall** not accept an application from a committee whose membership includes a:

(a) Potential contractor of the proposed charter school;

(b) Potential lessor of a facility that the proposed charter school may lease; or

(c) Representative of an educational management organization with which the proposed charter school may contract.

➔ ~~The State Board of Education, a college or university within the Nevada System of Higher Education or the board of trustees of a school district shall not accept an application from a committee to form a charter school whose membership includes a person or entity described in paragraph (a), (b) or (c).~~

~~5. An application may be submitted only for the kind of school, as defined in NRS 388.020, that will be operated during the first year of operation. If the applicant intends to expand the kind of school for which the charter school is authorized to operate after the first year of operation, the written charter must be amended pursuant to subsection 6 of NRS 386.527.~~

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R163-99, 2-2-2000; R024-01, 11-1-2001; R193-01, 4-1-2002; R060-02, 12-17-2002; R011-03, 10-30-2003; R044-05, 10-31-2005; R169-07, 9-18-2008)

**NAC 386.135 Application to form charter school: Proposed dates of enrollment for first year of operation. (NRS 386.520, 386.540)** For the purposes of paragraph (d) of subsection 2 of NRS 386.520, the proposed dates of enrollment for a charter school for its first year of operation must not be more than 120 days before the date on which the charter school will open ~~before the charter school application is approved by the proposed sponsor of the school.~~

(Added to NAC by Dep't of Education by R071-10, eff. 10-15-2010)

**NAC 386.140 Application to form charter school: Inclusion of information regarding facility, personnel and equipment. (NRS 386.520, 386.540)** In addition to the items required pursuant to subsection 2 ~~5~~ of NRS 386.520, an application submitted to ~~the Department~~ **a proposed sponsor** pursuant to that subsection by a committee to form a charter school must also include certain information regarding the facility, ~~personnel~~ and equipment of the proposed charter school, including, without limitation:

1. The name of the proposed charter school.

2. If the facility that the charter school will occupy exists at the time of application and is suitable for use by the charter school, but is not owned by the school district in which the charter school will be located:

- (a) The address of the charter school;
- (b) The type of facility that the charter school will occupy;
- (c) A floor plan of the facility that the charter school will occupy, including a notation of the size of the facility which is set forth in square feet;
- (d) The name and address of the owner of the facility that the charter school will occupy;
- (e) If the facility that the charter school will occupy will be leased or rented, a copy of the proposed lease or rental agreement;
- (f) If available at the time that the application is submitted, a copy of the certificate of occupancy for the facility; and
- (g) Documentation which demonstrates that the committee has obtained the insurance required by NAC 386.215 and that the proposed sponsor of the charter school is satisfied with the type and amount of insurance or other means that will be used to indemnify the sponsor against financial loss pursuant to paragraph (l) of subsection 1 of NRS 386.550.

3. If the facility that the charter school will occupy is, at the time of application, being used as a public school, the name and location of that school and documentation which:

- (a) Sets forth the specific days and times during which the charter school is authorized to use the facility.
- (b) Demonstrates that the committee has obtained the insurance required by NAC 386.215 and that the proposed sponsor of the charter school is satisfied with the type and amount of insurance or other means that will be used to indemnify the sponsor against financial loss pursuant to paragraph (l) of subsection 1 of NRS 386.550.

4. If the proposed charter school has not obtained a suitable facility, personnel or equipment:

- (a) A statement in writing describing why the proposed charter school has not obtained a suitable facility, personnel or equipment;
- (b) A plan for obtaining a suitable facility, personnel or equipment, including, without limitation, as applicable:
  - (1) A statement in writing that explains whether an existing facility will be remodeled or a new facility will be built; and
  - (2) A schedule for completing or obtaining a suitable facility, personnel and equipment, including, without limitation, if applicable, a description of and time schedule for any plan to raise funds for completing or obtaining the facility, personnel and equipment;
- (c) The date on which it is anticipated that the charter school will open;
- (d) A description of the equipment that will be used at the charter school, including, without limitation:
  - (1) Office furniture and equipment;
  - (2) Computer equipment;
  - (3) Musical instruments;
  - (4) Equipment to be used in a machinery shop; and
  - (5) Supplies and other items necessary for the use of equipment described in this paragraph;

- (e) A written estimate, prepared by an authorized insurer, of the cost of obtaining insurance required by NAC 386.215 and documentation which demonstrates that the proposed sponsor of

the charter school is satisfied with the type and amount of insurance provided for in the written estimate or other means that will be used to indemnify the sponsor against financial loss pursuant to paragraph (l) of subsection 1 of NRS 386.550; and

~~(f) If applicable, evidence in writing that the acceptance of the application by the proposed sponsor of the charter school is necessary to obtain a facility, equipment or personnel.~~

(f), above, has rarely, if ever, been used by an applicant.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R045-98, 5-29-98; R163-99, 2-2-2000; R193-01, 4-1-2002; R044-05, 10-31-2005)

**NAC 386.150 Application to form charter school: Inclusion of information regarding educational program. (NRS 386.520, 386.540)** In addition to the items required pursuant to subsection 2 5 of NRS 386.520, an application submitted to the Department *a proposed sponsor* pursuant to that subsection by a committee to form a charter school must also include certain information regarding the educational program of the proposed charter school, including, without limitation:

1. The grade level or levels proposed to be taught at the charter school and the anticipated enrollment in each such grade level for the first year of operation *charter term*.

2. A calendar delineating the school year of the charter school. The calendar must set forth:

(a) The number of days of instruction in each school year, which must be in accordance with the requirements set forth in NRS 388.090;

(b) The number of legal holidays that will be observed by the charter school and the dates on which those holidays fall;

(c) The beginning and ending date of each term; and

(d) Other important dates in the school year of the charter school, including, without limitation, school days in which less than a full day of instruction will be administered.

3. A list of any fees, charges and deposits, including, without limitation, fees, charges and deposits for course materials or equipment, that:

(a) Are typically imposed upon pupils or the parents or guardians of pupils attending public schools which are not charter schools; and

(b) Are anticipated by the committee to be imposed upon the pupils or the parents or guardians of the pupils of the charter school.

4. A description of how progress towards the mission and goals of the charter school, as described in the written description pursuant to paragraph (b) of subsection 2 5 of NRS 386.520, will be measured.

5. A list of courses that will be offered at the charter school, including, without limitation:

(a) For each course, the name and a description of the course, including, without limitation, the grade level at which the course will be offered; and

(b) A designation of the courses that a pupil must complete for graduation and for promotion to each grade level.

6. A schedule of classes which must meet the requirements for prescribed courses and required courses of study that are set forth in chapter 389 of NRS and chapter 389 of NAC.

7. A schedule of examinations of achievement and proficiency that will be administered to pupils at the charter school. The schedule must:

(a) Be aligned with any schedules of examinations of achievement and proficiency which are published by the Department and the school district in which the charter school is located, if available; and

(b) Meet the requirements of chapter 389 of NRS and other applicable federal, state and local laws and regulations.

8. Information regarding credit for courses completed successfully, including:

(a) Copies of transcripts and diplomas that the charter school will use to indicate that a pupil has completed course work successfully; and

(b) The written policy of the charter school concerning the transfer of credit to another comparable school.

9. If the charter school will be dedicated to providing educational programs and opportunities for pupils who are at risk, a description of how the charter school will:

(a) Recruit pupils who are at risk;

(b) Serve the specific needs of pupils who are at risk; and

(c) Measure the success of the charter school in providing an education to pupils who are at risk.

10. A description of the manner in which the charter school will provide services and programs to pupils with disabilities in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive.

***11. A description of the manner in which the charter school will provide services and programs to English Language Learner pupils.***

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R163-99, 2-2-2000; R193-01, 4-1-2002; R011-03, 10-30-2003)

**NAC 386.160 Application to form charter school: Inclusion of information regarding committee to form charter school, and governance and staffing.** (NRS 386.520, 386.540) In addition to the items required pursuant to subsection 2 5 of NRS 386.520, an application submitted to the Department *a proposed sponsor* pursuant to that subsection by a committee to form a charter school must also include certain information regarding the committee to form the charter school, and the governance and staffing of the proposed charter school, including, without limitation:

1. The names, addresses and qualifications of the members of the committee to form the charter school, including, without limitation:

(a) The resume of each member.

(b) The state of residence of each member.

(c) If a member serves on the committee as a teacher, as that term is defined in subsection 4 of NRS 386.520, a photocopy of his or her license to teach.

2. If a member of the committee to form the charter school has an association or affiliation, or had an association or affiliation, with any other charter school in this State or in another state:

(a) The name of the member;

(b) The name and location of the charter school with which the member has or had the association or affiliation, including, without limitation, the street address and mailing address of the charter school;

(c) The dates on which the member was associated or affiliated with the charter school;

(d) A statement indicating whether the member is presently associated or affiliated with the charter school or has ceased the association or affiliation;



(e) If the association or affiliation has ceased, a statement indicating the reason for the cessation; and

(f) A written description of the nature of the association or affiliation.

3. If applicable, the name, title, address and telephone number of the person selected to function as the administrative head of the charter school pursuant to NAC 386.100.

4. The name, title, address, telephone number and qualifications of the person who is designated to draw all orders for the payment of money belonging to the charter school pursuant to NRS 386.573.

5. A description of the process that will be used to:

(a) Advertise for, select and employ administrators for the charter school; and

(b) Select new administrators for the charter school in the event of a vacancy in one or more of those positions.

6. A description of the process that will be used to advertise for, select and employ instructional staff and other employees.

7. If known at the time of application:

(a) The name, license number and proposed assignment of each licensed staff member; and

(b) The name, qualifications and proposed assignment of each nonlicensed staff member.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R045-98, 5-29-98; R163-99, 2-2-2000; R193-01, 4-1-2002)

**NAC 386.170 Application to form charter school: Inclusion of information regarding issues of health and safety.** (NRS 386.520, 386.540) In addition to the items required pursuant to subsection 2 of NRS 386.520, an application submitted to the Department *a proposed sponsor* pursuant to that subsection by a committee to form a charter school must also include certain information regarding issues of health and safety that affect the proposed charter school, including, without limitation:

1. A description of the manner in which pupils will be transported to the proposed charter school, including, without limitation, the details of any contract that the charter school has entered into pursuant to subsection 1 of NRS 386.560 for the transportation of pupils and the details of any plan developed in consultation with the parents and guardians of pupils for the transportation of pupils.

2. Descriptions of the manner in which the proposed charter school will:

(a) Provide health services to pupils, including, without limitation, the details of any contract that the charter school has entered into pursuant to subsection 1 of NRS 386.560 for the provision of health services to pupils; and

(b) Maintain records related to the immunization of pupils that is required pursuant to NRS 392.435 to ensure that pupils are immunized in a timely manner.

3. Unless the facility that the proposed charter school will occupy is a public school, documents which indicate to the satisfaction of the Department *proposed sponsor* that the facility which the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation.

4. Evidence which demonstrates to the satisfaction of the Department *proposed sponsor* that the committee has communicated with the Division of Industrial Relations of the Department of Business and Industry regarding compliance with the federal Occupational Safety and Health Act of 1970, as amended.

5. A description of the procedures that will be used to provide drills for the pupils in the charter school to instruct those pupils in the appropriate procedures to be followed in the event of a fire or other emergency.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R163-99, 2-2-2000)

**NAC 386.180 Application to form charter school: Inclusion of certain miscellaneous information.** (NRS 386.520, 386.540) In addition to the items required pursuant to subsection 2 5 of NRS 386.520, an application submitted to the Department *a proposed sponsor* pursuant to that subsection by a committee to form a charter school must also include certain miscellaneous information concerning the proposed charter school, including, without limitation:

1. A description of the lottery system that the proposed charter school will use pursuant to NRS 386.580 if more eligible pupils apply for enrollment in the charter school than the number of spaces for pupils which are available.

2. The name, address, telephone number and, if applicable, the electronic mail address of the person selected to act as liaison pursuant to NAC 386.110.

3. Information concerning records of pupils that will be maintained by the proposed charter school in accordance with NAC 386.360, including, without limitation:

(a) The name and title of the person who will be responsible for:

(1) Maintaining records of pupils; and

(2) Providing records of pupils to the school district in which the charter school is located for inclusion in the automated system of accountability information for Nevada that is established and maintained by the Department pursuant to NRS 386.650.

(b) An example of the manner in which the cumulative record of a pupil is proposed to be stored.

(c) The proposed location within the charter school in which records of pupils will be stored.

(d) The name of the person who will be responsible for the records of pupils if the charter school is dissolved or the written charter of the charter school is not renewed.

(e) The policy of the charter school regarding the retention of the records of pupils.

4. A proposed budget that sets forth the estimated revenues and expenditures of the charter school for the first 2 years of operation, including, without limitation, the cost of insurance required by NAC 386.215. In addition, the proposed budget must be accompanied by a statement of cash flow and a budget for the period before the charter school commences operation.

5. A list of rules setting forth the policies of the charter school regarding truancy and other situations in which a pupil is absent from school.

6. If the committee to form the charter school or the proposed charter school intends to contract or is considering contracting with an educational management organization to provide service to the charter school:

(a) The name of the educational management organization;

(b) A copy of the contract, *before it is signed*, that will be used for the educational management organization, if a particular format is anticipated at the time the application is submitted;

(c) The name of a contact person for the educational management organization;

(d) The telephone number and mailing address of the educational management organization; and

(e) A description of the service to be provided by the educational management organization.

7. If the proposed charter school intends to limit the enrollment of pupils pursuant to NAC 386.353, the maximum number of pupils that the charter school will enroll.

8. If the application was prepared by a person who is not a member of the committee to form the charter school or by another entity, including, without limitation, an educational management organization, or if such a person or entity assisted the committee in preparing the application:

- (a) The name of the person or entity;
- (b) The name and location of any public school, private school or charter school with which the person or entity has been or is presently affiliated, including, without limitation, the street address and mailing address of that school;
- (c) The dates on which the person or entity was affiliated with a school described in paragraph (b), if any such affiliation occurred;
- (d) A statement indicating whether the person or entity is presently affiliated with a school described in paragraph (b) or has ceased the affiliation;
- (e) If the affiliation has ceased, a statement indicating the reason for the cessation; and
- (f) A detailed resume listing the qualifications of the person or entity.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R045-98, 5-29-98; R163-99, 2-2-2000; R193-01, 4-1-2002; R011-03, 10-30-2003; R078-03, 1-23-2004; R044-05, 10-31-2005; R169-07, 9-18-2008; R071-10, 10-15-2010)

~~NAC 386.190 Review by Department of application to form charter school for sponsorship by board of trustees of school district or college or university within Nevada System of Higher Education. (NRS 386.520, 386.540) If the Department reviews an application to form a charter school for sponsorship by the board of trustees of a school district or a college or university within the Nevada System of Higher Education to determine whether the application is complete pursuant to subsection 3 of NRS 386.520, the Department will provide written notice to the applicant of its determination as to whether the application is complete within 30 days after receipt of the application.~~

~~—(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R045-98, 5-29-98; R163-99, 2-2-2000; R024-01, 11-1-2001; R169-07, 9-18-2008)~~

See AB 205, Sec 6.

~~NAC 386.195 Review by Department of application to form charter school for sponsorship by State Board of Education; transmittal of application to Subcommittee on Charter Schools. (NRS 386.520, 386.540)~~

~~—1. If an application to form a charter school is submitted to the Department pursuant to NRS 386.520 for sponsorship by the State Board of Education, the Department will determine whether the application:~~

~~—(a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and~~

~~—(b) Is complete in accordance with the regulations of the Department.~~

~~—2. Within 30 days after receipt of the application, the Department will provide written notice to the applicant of its findings pursuant to subsection 1, including any items that are incomplete or noncompliant. Written notice informing the applicant that the application is incomplete or noncompliant shall be deemed denial of the application for purposes of subsection 3 of NRS 386.520.~~

~~— 3. If the Department denies an application, the application may be resubmitted within 30 days after receipt of the written notice of denial for review pursuant to this section. An application may be resubmitted pursuant to this subsection not more than once in a fiscal year.~~

~~— 4. An application that is approved pursuant to this section by 5 p.m. on December 15 of the fiscal year immediately preceding the fiscal year in which the proposed charter school will begin operation may be transmitted to the Subcommittee on Charter Schools for review pursuant to NRS 386.525 and NAC 386.203.~~

~~— (Added to NAC by Dep't of Education by R169-07, eff. 9-18-2008)~~

See AB 205, Sec 7.

For NAC 386.200, .201, and .203: AB 205, Section 7 seems to address everything in these regs, so all three may be deleted.

~~**NAC 386.200 Review of application to form charter school by board of trustees of school district; approval of application by sponsor. (NRS 386.525, 386.540)**~~

~~— 1. If the board of trustees of a school district reviews an application to form a charter school pursuant to subsection 1 of NRS 386.525, the president of the board of trustees shall:~~

~~— (a) Within 5 days after receipt of the application, designate one or more employees of the school district to verify the contents of the application by:~~

~~— (1) Performing a physical inspection of the location of the proposed charter school;~~

~~— (2) Interviewing the members of the committee to form the charter school and, where appropriate, the proposed administrators and staff members of the proposed charter school; and~~

~~— (3) Performing any other investigation necessary or useful in verifying the contents of the application.~~

~~— (b) At the meeting described in subsection 1 of NRS 386.525, consider the application along with any reports generated by the employees of the school district pursuant to paragraph (a) and determine whether the application complies with all applicable state and federal statutes and regulations.~~

~~— (c) Within 5 working days after the meeting described in subsection 1 of NRS 386.525, provide written notice to the applicant of the determinations of the board of trustees with regard to:~~

~~— (1) The completeness of the application; and~~

~~— (2) The application's compliance with applicable state and federal statutes and regulations.~~

~~— (d) If the board of trustees denies the application, forward a copy of the written notice of the denial, including, without limitation, the reasons for the denial, to the Department within 5 days after the decision to deny the application is made.~~

~~— 2. If an application to form a charter school is approved by the sponsor, the:~~

~~— (a) Written charter *or charter contract, as applicable*, must include the application, as approved by the sponsor, and a written agreement signed by the sponsor and the charter school.~~

~~— (b) Written notice provided to the Department pursuant to NRS 386.527 indicating approval of the application must include the written charter *or charter contract, as applicable*.~~

~~— (Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R045-98, 5-29-98; R163-99, 2-2-2000; R024-01, 11-1-2001; R193-01, 4-1-2002; R078-03, 1-23-2004)~~

~~— NAC 386.201 Review of application to form charter school by college or university within Nevada System of Higher Education; approval of application by sponsor. (NRS 386.525, 386.540)~~

~~— 1. If a college or university within the Nevada System of Higher Education reviews an application to form a charter school pursuant to subsection 1 of NRS 386.525, the president of the college or university shall:~~

~~— (a) Within 5 days after receipt of the application, designate one or more employees of the college or university to verify the contents of the application by:~~

~~— (1) Performing a physical inspection of the location of the proposed charter school;~~

~~— (2) Interviewing the members of the committee to form the charter school and, when appropriate, the proposed administrators and staff members of the proposed charter school; and~~

~~— (3) Performing any other investigation necessary or useful in verifying the contents of the application.~~

~~— (b) At the meeting described in subsection 1 of NRS 386.525, consider the application along with any reports generated by the employees of the college or university pursuant to paragraph (a) and determine whether the application complies with all applicable state and federal statutes and regulations.~~

~~— (c) Within 5 working days after the meeting described in subsection 1 of NRS 386.525, provide written notice to the applicant of the determinations of the college or university with regard to:~~

~~— (1) The completeness of the application; and~~

~~— (2) The application's compliance with applicable state and federal statutes and regulations.~~

~~— (d) If the college or university denies the application, forward a copy of the written notice of the denial, including, without limitation, the reasons for the denial, to the Department within 5 days after the decision to deny the application is made.~~

~~— 2. If an application to form a charter school is approved by the sponsor, the:~~

~~— (a) Written charter *or charter contract, as applicable*, must include the application, as approved by the sponsor, and a written agreement signed by the college or university and the charter school.~~

~~— (b) Written notice provided to the Department pursuant to NRS 386.527 indicating approval of the application must include the written charter *or charter contract, as applicable*.~~

~~— (Added to NAC by Dep't of Education by R207-07, eff. 6-17-2008)~~

**NAC 386.202 Review of and restrictions on application to form charter school submitted to Subcommittee on Charter Schools the State Public Charter School Authority after previous denials of application; approval or denial of application by State Board of Education Public Charter School Authority. (NRS 386.525, 386.527, 386.540)**

1. If the Subcommittee on Charter Schools *State Public Charter School Authority* receives an application to form a charter school pursuant to subsection 4 *1 or 7* of NRS 386.525 after the application has been denied twice by the board of trustees of a school district or a college or university within the Nevada System of Higher Education:

(a) The staff of the Department, acting on behalf of the State Board of Education, shall verify the contents of the application by:

(1) Performing a physical inspection of the location of the proposed charter school, if applicable;

~~—— (2) Consulting with the members of the committee to form the charter school and, when appropriate, the proposed administrators and staff members of the proposed charter school; and~~

~~—— (3) Performing any other investigation necessary or useful in verifying the contents of the application.~~

~~—— (b) The application that is submitted to the State Board of Education *Public Charter School Authority* must be the same application that was denied by the board of trustees, the college or the university, as applicable, *the second time*, except that it may be revised in response to concerns stated by the board of trustees, the college or the university, as applicable, in its second denial of the application if such a revision does not significantly alter the application.~~

~~2. Within 20 days after an application is received by the Subcommittee on Charter Schools, the Department will review the application and determine whether the application:~~

~~—— (a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and~~

~~—— (b) Is complete in accordance with the regulations of the Department.~~

~~3. Within 30 days after an application is received by the Subcommittee on Charter Schools, the Department will provide to the applicant its findings pursuant to subsection 2, including the items that are incomplete or noncompliant. The Department may hold a meeting with the applicant or provide the information required by this subsection in another format suitable to the applicant.~~

~~4. Within 30 days after an application is received by the Subcommittee on Charter Schools, the Department will provide to the State Board of Education:~~

~~—— (a) The findings of the Department pursuant to subsection 2;~~

~~—— (b) The reasons for the first and second denial of the application by the board of trustees of a school district or a college or university within the Nevada System of Higher Education;~~

~~—— (c) A copy of the proposed written agreement if the State Board approves the application pursuant to subsection 5 of NRS 386.527 or a copy of the proposed written agreement if the State Board approves the application pursuant to subsection 7 of NRS 386.527; and~~

~~—— (d) Any other information the Department determines is necessary for the State Board in its review of the application.~~

~~5. Other than material required to convert a written charter issued by the State Board of Education pursuant to subsection 7 of NRS 386.527 to a written charter issued pursuant to subsection 5 of NRS 386.527, no additional application material will be accepted from the applicant after the submission referred to in subsection 1 unless specifically requested by the State Board, the Subcommittee on Charter Schools or the Department to assist in the review of the application.~~

~~6. At the meeting described in subsection 5 or 6 of NRS 386.525, as applicable, the Subcommittee on Charter Schools or the State Board of Education, as applicable, *State Public Charter School Authority* shall:~~

~~—— (a) Consider the application in accordance with NAC 386.204 along with any reports generated by the employees of the Department *State Public Charter School Authority* and, if the application was previously denied by:~~

~~—— (1) The board of trustees of a school district, any reports generated by the employees of that school district pursuant to NAC 386.200; or~~

~~—— (2) A college or university within the Nevada System of Higher Education, any reports generated by the employees of that institution; and~~

~~—(b) Determine whether the application complies with all applicable state and federal statutes and regulations.~~

~~7. After the Subcommittee on Charter Schools holds a meeting pursuant to subsection 5 of NRS 386.525, the Subcommittee shall immediately transmit to the State Board of Education a recommendation for approval or denial of the application by the State Board. The Subcommittee shall not delay in the transmission of its recommendation.~~

8. The State Board of Education *Public Charter School Authority* shall comply with the provisions of NAC 386.204 or 386.403 to determine whether to deny an application for a written charter.

~~9. A written charter may be granted pursuant to subsection 7 of NRS 386.527 if the applicant is not prepared to commence operation. If such a charter is granted, the provisions of NAC 386.240 apply.~~

~~10. If the State Board of Education *Public Charter School Authority* denies an application, it shall forward a copy of the written notice of the denial, including, without limitation, the reasons for the denial, to the Department within 5 days after the decision to deny the application is made.~~

~~— 11. If the State Board of Education *Public Charter School Authority* approves an application, the:~~

~~— (a) Written charter *or charter contract, as applicable*, must include the application, as approved, and a written agreement signed by the President of the State Board *chair of the State Public Charter School Authority* and the charter school.~~

~~— (b) Written notice provided to the Department pursuant to NRS 386.527 indicating approval of the application must include the written charter *or charter contract, as applicable*.~~

~~— (Added to NAC by Dep't of Education by R078-03, 1-23-2004; A by R044-05, 10-31-2005; R171-05, 2-23-2006; R169-07, 9-18-2008; R061-08, 9-18-2008)~~

**NAC 386.203 Review of and restrictions on application to form charter school for sponsorship by State Board of Education originally submitted to Subcommittee on Charter Schools; approval or denial of application by State Board. (NRS 386.525, 386.527, 386.540)**

~~— 1. If the Subcommittee on Charter Schools receives an application pursuant to NRS 386.525 to form a charter school for sponsorship by the State Board of Education and the application has not previously been denied by the board of trustees of a school district or a college or university within the Nevada System of Higher Education, the staff of the Department, acting on behalf of the State Board, shall verify the contents of the application by:~~

~~— (a) Performing a physical inspection of the location of the proposed charter school, if applicable;~~

~~— (b) Consulting with the members of the committee to form the charter school and, when appropriate, the proposed administrators and staff members of the proposed charter school; and~~

~~— (c) Performing any other investigation necessary or useful in verifying the contents of the application.~~

~~— 2. Other than material required to convert a written charter issued by the State Board of Education pursuant to subsection 7 of NRS 386.527 to a written charter issued pursuant to subsection 5 of NRS 386.527, no additional application material will be accepted from the applicant after the submission of the application unless specifically requested by the State Board, the Subcommittee on Charter Schools or the Department *Public Charter School Authority* to assist in the review of the application.~~

~~— 3. Within 30 days after an application is received by the Subcommittee on Charter Schools, the Department will provide to the State Board of Education:~~

~~— (a) A copy of the proposed written agreement if the State Board approves the application pursuant to subsection 5 of NRS 386.527 or a copy of the proposed written agreement if the State Board approves the application pursuant to subsection 7 of NRS 386.527; and~~

~~— (b) Any other information the Department determines is necessary for the State Board in its review of the application.~~

~~— 4. At the meeting described in subsection 5 or 6 of NRS 386.525, as applicable, the Subcommittee on Charter Schools or the State Board of Education, as applicable, shall:~~

~~— (a) Consider the application along with any reports generated by the employees of the Department; and~~

~~— (b) Determine whether the application complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools.~~

~~— 5. After the Subcommittee on Charter Schools holds a meeting pursuant to subsection 5 of NRS 386.525, the Subcommittee shall immediately transmit to the State Board of Education a recommendation for approval or denial of the application by the State Board. The Subcommittee shall not delay in the transmission of its recommendation.~~

~~— 6. A written charter may be granted pursuant to subsection 7 of NRS 386.527 if the applicant is not prepared to commence operation. If such a charter is granted, the provisions of NAC 386.240 apply.~~

~~— 7. If the State Board of Education denies an application, it shall forward a copy of the written notice of the denial, including, without limitation, the reasons for the denial, to the Department within 5 days after the decision to deny the application is made.~~

~~— 8. If the State Board of Education approves an application, the:~~

~~— (a) Written charter must include the application, as approved, and a written agreement signed by the President of the State Board and the charter school.~~

~~— (b) Written notice provided to the Department pursuant to NRS 386.527 indicating approval of the application must include the written charter.~~

~~— (Added to NAC by Dep't of Education by R169-07; eff. 9-18-2008)~~

**NAC 386.204 Grounds for denial by State Board of Education *a proposed sponsor of application to form charter school for sponsorship by State Board.* (NRS 386.525, 386.527, 386.540)**

1. If the State Board of Education *a proposed sponsor* receives an application to form a charter school for sponsorship by the State Board, the State Board *the proposed sponsor* shall not approve the application:

(a) For a written charter pursuant to subsection 5 of NRS 386.527 if the application does not satisfy the requirements of paragraphs (a) and (b) of subsection 4 3 of NRS 386.525; or

(b) If the financial or administrative operation of the proposed charter school does not meet or exceed the minimum standards, procedures and requirements of the State.; or

*(c) If the application fails to demonstrate a commitment to serving all students, including students with disabilities and English language learners.*

— 2. If the State Board of Education *a proposed sponsor* receives an application to form a charter school for sponsorship by the State Board, the State Board *proposed sponsor* may deny the application pursuant to this section.



3. ~~The State Board of Education~~ *A proposed sponsor* may deny an application if the State Board ~~proposed sponsor~~ determines that the ~~curriculum or instruction~~ *educational plan* proposed for the charter school, including, without limitation, a program of distance education approved pursuant to NRS 388.820 to 388.874, inclusive, is not:

(a) Aligned with the standards of content and performance established pursuant to NRS 389.520;

(b) Aligned with the written description of the *purpose, vision, educational philosophy*, mission and goals for the proposed charter school as included in the application pursuant to NRS 386.520; or

(c) Supported by sound evidence, as provided by the applicant, which demonstrates the effectiveness of the ~~curriculum or instruction~~ *educational plan*; or

*(d) Aligned with the unique educational needs of the population targeted by the proposed school.*

4. ~~The State Board of Education~~ *A proposed sponsor* may deny an application if the State Board ~~the proposed sponsor~~ determines that:

(a) Expenditures or flat fees included in the budget of the proposed charter school or in the proposed operating agreement with a contractor or an educational management organization are not consistent with the cost for similar services as those services are otherwise available to a public school;

(b) The budget of the proposed charter school is not balanced or relies unduly on grants or donations;

(c) The budget of the proposed charter school is based on an unrealistic enrollment projection;

(d) The budget of the proposed charter school does not adequately anticipate the requirements for and expenses of pupils with disabilities who may enroll in a program of special education at the proposed charter school; or

(e) The budget of the proposed charter school is not aligned with the written description of the mission and goals for the proposed charter school as included in the application pursuant to NRS 386.520.

5. ~~The State Board of Education~~ *A proposed sponsor* may deny an application if the State Board ~~proposed sponsor~~ determines that a contractor or educational management organization with whom the committee to form the charter school or the governing body of the proposed charter school intends to contract has knowingly violated a material term or condition of a contract with a public school in the past.

6. ~~The State Board of Education~~ *A proposed sponsor* may deny an application if the State Board ~~proposed sponsor~~ determines that a contract or a proposed contract between the proposed charter school and a contractor or an educational management organization contains a provision which is prohibited by NAC 386.403; *NRS 386.562*.

*7. A proposed sponsor may deny an application if the proposed sponsor determines that the application fails to meet evaluation criteria established and publicized by the proposed sponsor.*

*8. A proposed sponsor may deny an application if the proposed sponsor determines, through the capacity interview process or based on the contents of the application, that the members of the committee to form the school lack the capacity to oversee:*

- *The successful development and implementation of the education program presented in the application;*
- *The effective and responsible management of public funds; or*
- *The school's compliance with its legal obligations.*

9. *A proposed sponsor may deny an application that proposes to contract with an educational management organization if the proposed sponsor determines that the application fails to document the due diligence conducted by the committee to form the school in selecting the educational management organization. Such due diligence shall include, without limitation:*

- *A statement of the reason for the selection of the chosen educational management organization; and*
- *Evidence of the chosen educational management organization's success in:*
  - *Serving populations similar to the population that the applicant intends to serve;*
  - *Achieving academic goals; and*
  - *Managing nonacademic school functions.*

(Added to NAC by Dep't of Education by R061-08, eff. 9-18-2008)

#### REVISER'S NOTE.

The regulation of the Department of Education filed with the Secretary of State on September 18, 2008 (LCB File No. R061-08), the source of this section, contains the following provisions not included in NAC:

"1. A charter school that is sponsored by the State Board of Education which is in operation on September 18, 2008, may continue to operate pursuant to its current written charter until the expiration of that written charter even if the charter school does not satisfy the requirements of sections 2 and 3 of this regulation [NAC 386.204 and 386.403].

2. An application to form a charter school for sponsorship by the State Board of Education or to renew a written charter that is sponsored by the State Board which is submitted after September 18, 2008, must comply with the provisions of sections 2 and 3 of this regulation [NAC 386.204 and 386.403]."

#### **NAC 386.205 Submission of certificate of occupancy for certain facilities. (NRS 386.540)**

1. If a charter school occupies a facility that is not being used as a public school by the school district in which the charter school is located, the charter school shall submit to the Department and to the sponsor of the charter school a copy of the certificate of occupancy for the facility occupied by the charter school if a copy of the certificate of occupancy was not included in the application to form the charter school. A copy of the certificate of occupancy must be submitted to the sponsor of a charter school before a written charter is issued to the charter school pursuant to subsection 5 of NRS 386.527. *the school may commence operation.*

2. The provisions of this section apply regardless of whether the sponsor of the charter school determines that the facility the charter school occupies is acceptable for use as a charter school.

(Added to NAC by Dep't of Education by R193-01, eff. 4-1-2002; A by R044-05, 10-31-2005)

**NAC 386.210 Duty of governing body to provide written notice of changes in facility mailing address. (NRS 386.540)** Within 5 days after any change for which notice is required pursuant to this section, the governing body of a charter school shall provide written notice to the sponsor of the charter school and the Department of any changes in the facility *mailing address*

of the charter school, ~~including, without limitation, any change in the location of the charter school.~~

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R163-99, 2-2-2000; R193-01, 4-1-2002)

**NAC 386.215 Provision and maintenance of insurance coverage. (NRS 385.080, 386.540)**

1. Except as otherwise provided in subsection 4 of NAC 386.140, a committee to form a charter school shall obtain insurance from an authorized insurer as follows:

(a) Industrial insurance coverage in accordance with the applicable provisions of the Nevada Industrial Insurance Act, chapters 616A to 616D, inclusive, of NRS.

(b) Except as otherwise provided in subsection 2, general liability insurance with a minimum coverage of \$1,000,000. The general liability insurance policy must include coverage for molestation and sexual abuse, and have a broad form policy, with the ~~named~~ **additional** insureds as follows:

(1) The sponsor of the charter school;

(2) All employees of the charter school, including, without limitation, former, present and future employees;

(3) Volunteers at the charter school; and

(4) Directors of the charter school, including, without limitation, executive directors.

(c) Umbrella liability insurance with a minimum coverage of \$3,000,000.

(d) Educators' legal liability insurance with a minimum coverage of \$1,000,000 **to include coverage for special education due process complaints, hearings or litigation.**

(e) Employment practices liability insurance with a minimum coverage of \$1,000,000.

(f) Employment benefits liability insurance with a minimum coverage of \$1,000,000.

(g) Insurance covering errors and omissions of the sponsor and governing body of the charter school with a minimum coverage of \$1,000,000.

(h) If applicable, motor vehicle liability insurance with a minimum coverage of \$1,000,000.

(i) If applicable, liability insurance for sports and athletic participation with a minimum coverage of \$1,000,000.

↪ The cost of insurance required by this subsection must be provided to the proposed sponsor by the authorized insurer and included in each budget submitted pursuant to subsection 4 of NAC 386.180 and NAC 387.725.

2. The sponsor of a charter school may waive all or part of the general liability insurance required pursuant to paragraph (b) of subsection 1 if the sponsor determines that such a waiver is reasonable based upon the risk profile of the charter school or the conditions of the insurance market, or both, including, without limitation, a determination that the cost of obtaining the insurance is excessive or that the insurance is not available because of special circumstances of the charter school.

3. If an application to form a charter school is approved, the governing body of the charter school shall maintain the insurance required by this section.

4. As used in this section, "motor vehicle" has the meaning ascribed to it in NRS 485.050.

(Added to NAC by Dep't of Education by R044-05, eff. 10-31-2005; A by R074-07, 10-31-2007; A by Bd. of Education by R026-09, 10-27-2009)

**5. Insurance is to be placed with insurers duly licensed or authorized to do business in the state of Nevada and with an "A.M. Best" rating of not less than A-VII.**

~~NAC 386.220 Written charter: Inclusion of certain agreements; term. (NRS 386.527, 386.540)~~

~~1. In addition to the information required pursuant to NRS 386.527, a written charter must include a description of any other agreements entered into between the sponsor of the charter school and the charter school. The sponsor of a charter school shall amend the written charter or charter contract, as applicable, if necessary, to reflect any such agreements entered into after the written charter or charter contract, as applicable, is issued.~~

~~2. The 6-year term for which the written charter of a charter school is valid, unless the initial written charter of the charter school was renewed after 3 years of operation pursuant to subsection 2 of NRS 386.530, begins on the date on which the State Board of Education, the board of trustees or a college or university within the Nevada System of Higher Education approves the application to form the charter school pursuant to subsection 1 of NRS 386.527.~~

See AB 205, Sec 8.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R024-01, 11-1-2001; R193-01, 4-1-2002; R171-05, 2-23-2006; R169-07, 9-18-2008)

**NAC 386.223 Advisory committee required to comply with Open Meeting Law. (NRS 386.540)** If the governing body of a charter school establishes an advisory committee, the advisory committee shall comply with the provisions of chapter 241 of NRS.

(Added to NAC by Dep't of Education by R060-02, eff. 12-17-2002)

~~NAC 386.227 Incorporation of governing body or charter school prohibited. (NRS 386.540)~~ Neither the governing body of a charter school nor a charter school may be incorporated.

~~(Added to NAC by Dep't of Education by R060-02, eff. 12-17-2002)~~

See SB 384, Sec 30.

~~NAC 386.230 Failure to become operational charter school; reapplication. (NRS 386.540)~~

~~1. If a charter school fails to become an operational charter school by June 30 of the year immediately following the year in which the term of the written charter of the charter school begins, the charter school shall provide to the sponsor of the charter school:~~

~~(a) Notice of the failure to become an operational charter school; and~~

~~(b) A statement of intent that sets forth whether:~~

~~(1) The charter school will become an operational charter school and, if so, on what date; or~~

~~(2) The charter school will not become an operational charter school.~~

~~2. If a charter school to which subsection 1 applies states that it intends to become an operational charter school on a future date, the committee to form the charter school must reapply to the Department and the sponsor in accordance with NRS 386.520 and 386.525 and NAC 386.130 to 386.180, inclusive.~~

~~(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R193-01, 4-1-2002)~~

See AB 205, Sec 8.

**~~NAC 386.240 Issuance of written charter to applicant not prepared to commence operation on date of issuance; expiration, renewal, and contents of charter; submission of supplemental application before expiration. (NRS 386.527, 386.540)~~**

~~— 1. The board of trustees of a school district, a college or university within the Nevada System of Higher Education or the State Board of Education may issue a written charter pursuant to subsection 7 of NRS 386.527 if the board of trustees, the college or university or the State Board, as applicable, determines that the applicant is not prepared to commence operation on the date of issuance of the written charter. A written charter issued pursuant to subsection 7 of NRS 386.527 expires on June 30 of the second fiscal year after the date of issuance and may be renewed for not more than 1 fiscal year upon showing of good cause to the sponsor. If a written charter is issued pursuant to subsection 7 of NRS 386.527, a governing body must be selected and the provisions of NRS 386.549 and NAC 386.345 apply to the governing body.~~

~~— 2. A written charter issued pursuant to subsection 7 of NRS 386.527 must include:~~

~~— (a) A notation indicating the date on which the charter expires and indicating that the charter may be renewed for not more than 1 fiscal year;~~

~~— (b) Each reason why the charter school is not prepared to commence operation on the date of issuance of the charter;~~

~~— (c) The conditions that the governing body of the charter school must satisfy to convert the written charter issued pursuant to subsection 7 of NRS 386.527 to a written charter issued pursuant to subsection 5 of NRS 386.527;~~

~~— (d) The tasks that must be accomplished by the governing body of the charter school before it may submit a supplemental application to convert the written charter issued pursuant to subsection 7 of NRS 386.527 to a written charter issued pursuant to subsection 5 of NRS 386.527, including, without limitation, the timeline by which those tasks must be accomplished; and~~

~~— (e) A statement by the governing body of the charter school indicating that it understands that:~~

~~—— (1) To receive apportionments from the State Distributive School Account, the charter school must comply with NAC 386.355;~~

~~—— (2) The governing body shall not authorize the attendance of pupils at the charter school unless the charter school has obtained a written charter issued pursuant to subsection 5 of NRS 386.527; and~~

~~—— (3) The governing body must obtain the insurance required by NAC 386.215 before commencing operation as a charter school.~~

~~— 3. Before the expiration of a written charter issued pursuant to subsection 7 of NRS 386.527, the holder of the charter may submit a supplemental application to the sponsor requesting that the sponsor determine whether the charter school is eligible for a written charter issued pursuant to subsection 5 of NRS 386.527. The supplemental application must be submitted not less than 30 days before the expiration of the written charter issued pursuant to subsection 7 of NRS 386.527.~~

~~— (Added to NAC by Dep't of Education by R193-01, eff. 4-1-2002; A by R011-03, 10-30-2003; A by Bd. of Education by R063-03, 10-30-2003; A by Dep't of Education by R044-05, 10-31-2005; R169-07, 9-18-2008; A by Bd. of Education by R025-09, 10-27-2009)~~

See AB 205, Sec 8.

## Amendment, Renewal and Revocation of Charters; Closure

~~NAC 386.300 Application for renewal of written charter: Contents. (NRS 386.530, 386.540)~~ If a charter school submits an application for renewal of its written charter pursuant to subsection 1 of NRS 386.530, the application must include:

- ~~— 1. Any changes in any of the items listed in the initial application to form the charter school;~~
  - ~~— 2. A profile of the achievement of the pupils enrolled in the charter school during the preceding 6 years, as reflected in proficiency examinations and other means of assessment and evaluation;~~
  - ~~— 3. A report on the progress of the charter school toward meeting its mission, goals and objectives;~~
  - ~~— 4. A report on the effectiveness of the collaboration between licensed and nonlicensed staff members in the instructional program of the charter school;~~
  - ~~— 5. If applicable, a report on the number of pupils who have graduated from grade 12 at the charter school and the plans of those pupils for careers or continuing education;~~
  - ~~— 6. A report on the effectiveness of the educational program of the charter school, including, without limitation, the effectiveness of any programs designed to assist pupils who meet the criteria of being “at risk” as set forth in NRS 386.500;~~
  - ~~— 7. A summary that outlines the plans of the charter school for the next 3 years;~~
  - ~~— 8. A report on the charter school’s standards of accounting and financial management, including, without limitation, whether those standards comply with generally accepted accounting principles; and~~
  - ~~— 9. Any other information the charter school wishes to submit in support of its application for renewal.~~
- ~~— (Added to NAC by Dep’t of Education by R196-97, eff. 3-13-98)~~

See AB 205, Sec 9.

~~NAC 386.310 Application for renewal of initial charter: Contents. (NRS 386.530, 386.540)~~ If a charter school submits an application for renewal of its written charter pursuant to subsection 2 of NRS 386.530, the application must include:

- ~~— 1. Any changes in any of the items listed in the initial application to form the charter school;~~
- ~~— 2. A profile of the achievement of the pupils enrolled in the charter school during the preceding 3 years, as reflected in proficiency examinations and other means of assessment and evaluation;~~
- ~~— 3. A report on the progress of the charter school toward meeting its mission, goals and objectives;~~
- ~~— 4. A report on the effectiveness of the collaboration between licensed and nonlicensed staff members in the instructional program of the charter school;~~
- ~~— 5. If applicable, a report on the number of pupils who have graduated from grade 12 at the charter school and the plans of those pupils for careers or continuing education;~~
- ~~— 6. A report on the effectiveness of the educational program of the charter school, including, without limitation, the effectiveness of any programs designed to assist pupils who meet the criteria of being “at risk” as set forth in NRS 386.500;~~
- ~~— 7. A summary that outlines the plans of the charter school for the next 3 years;~~
- ~~— 8. A report on the amount of money that the charter school has, on average, expended on each pupil during the preceding 3 years; and~~

~~—9. Any other information the charter school wishes to submit in support of its application for renewal.~~

~~—(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98)~~

See AB 205, Sec 9.

~~**NAC 386.320 Application for renewal of initial charter: Verification of contents; consideration at public meeting.** (NRS 386.530, 386.540) If the sponsor of a charter school receives an application pursuant to subsection 2 of NRS 386.530 for renewal of the initial written charter of the charter school, the sponsor shall:~~

~~—1. Within 30 days after receipt of the application, designate one or more employees of the school district, the college or the university, as applicable, or, if the State Board of Education *Public Charter School Authority* is the sponsor, one or more employees of the Department *State Public Charter School Authority*, to verify the contents of the application by:~~

~~—(a) Performing a physical inspection of the location of the charter school; and~~

~~—(b) Interviewing the members of the governing body of the charter school and, when appropriate, the administrators and staff members of the charter school.~~

~~—2. Within 90 days after receipt of the application, consider the application along with any reports generated by the employees of the school district, the college or the university or the Department *State Public Charter School Authority*, as applicable, pursuant to subsection 1 at a public meeting for which notice has been provided pursuant to chapter 241 of NRS.~~

~~—(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R193-01, 4-1-2002; R169-07, 9-18-2008; R071-10, 10-15-2010)~~

**NAC 386.323 Request for change in sponsorship of charter school.** (NRS 385.080, 386.527)

1. Except as otherwise provided in subsection 2, the governing body of a charter school may request a change in the sponsorship of the charter school pursuant to NRS 386.527.

2. A request for a change in sponsorship may not be made if:

(a) The proposed sponsor is a school district other than the school district in which the charter school is located.

(b) The proposed sponsor is the State Board *Public Charter School Authority* and the charter school will use facilities in more than one county.

3. A written request for a change in sponsorship must be submitted to the proposed sponsor and must include:

(a) A copy of the most recently approved application to form a charter school; and

(b) A copy of the written agreement *or charter contract, as applicable*, with the current sponsor.

4. A request for a change in sponsorship must be considered by the proposed sponsor at a public meeting not later than 60 days after receipt of the request.

5. A proposed sponsor may approve a request for a change in sponsorship if:

(a) The school is in sound financial condition as determined by the most recent annual audit required by NAC 387.775;

(b) The school is *ranked on the Nevada School Performance Framework as a three, four or five star school* on the list of schools that are designated as demonstrating exemplary achievement, demonstrating high achievement or demonstrating adequate achievement, which is

maintained by the Department, on the date on which the request is submitted through the period when the request is considered by the proposed sponsor at a public meeting;

(c) ~~The school's most recent report of compliance required by NAC 386.410 does not indicate a noncompliant item; and~~

(d) The school agrees to sign a new ~~written agreement~~ **charter contract** with the new sponsor. The ~~written agreement~~ **charter contract** may differ from the written agreement ~~or charter contract, as applicable~~, which the charter school signed with the current sponsor.

6. At the time a request for a change in sponsorship is submitted to the proposed sponsor, the governing body of a charter school shall submit a copy of the request to the current sponsor of the charter school.

(Added to NAC by Bd. of Education by R188-05, eff. 2-23-2006; A by R135-07, 4-17-2008; R026-09, 10-27-2009)

**NAC 386.325 Amendment of written charter or charter contract, as applicable: Request; authority for approval by staff of sponsor.** (NRS 386.520, 386.540) Except as otherwise provided in NAC 386.326 and ~~386.3265~~, if the governing body of a charter school requests an amendment to its written charter ~~or charter contract, as applicable~~, pursuant to NRS 386.527, the sponsor of the charter school may authorize its staff to approve the amendment to the charter as the sponsor deems appropriate.

(Added to NAC by Dep't of Education by R171-05, eff. 2-23-2006; A by R071-10, 10-15-2010)

New Regulation: *Changes to the written charter or charter contract, as applicable, including changes to charter contract exhibits, that require sponsor approval shall be deemed material amendments. All other changes to the written charter or charter contract, as applicable, require the charter school to notify the sponsor of the change. Material amendments include, but are not limited to:*

- *Pre Opening Requirements;*
- *Location;*
- *Mission statement;*
- *Elimination of a grade level served or expansion to serve a grade level not served;*
- *10% annual increase or decrease in total enrollment. The first year enrollment for the school shall serve as the basis for the 10% annual enrollment decrease/increase for the school's second year; similarly, subsequent years' enrollment shall serve as the basis for the following year's enrollment. Each year's enrollment shall be limited to 10% more pupils than the previous year's enrollment unless the school's request for a material amendment is approved by the Authority. For example, a school enrolling 100 pupils any given year may enroll no more than 110 pupils the following year without Authority approval of the material amendment required by this section 2.3.3. It is the responsibility of the school to request amendment pursuant to this section 2.3.3 in a timely manner so as to manage the school's enrollment to comply with this contract stipulation.*
- *Name of the school;*
- *Entering into a contract with an educational management organization or terminating a contract with an educational management organization;*



- *Mission specific indicators; and*
- *Pupil transportation plans.*

*Changes not requiring sponsor approval but requiring the charter school to notify the sponsor include, but are not limited to:*

- *Mailing address, phone and fax number of the charter school;*
- *Lead administrator of the charter school;*
- *Composition of the governing body;*
- *Bylaws;*
- *Articles of incorporation, if applicable; and*
- *Educational program that the sponsor determines do not depart from the school's mission.*

*Proposed changes not identified above as material amendments or changes requiring only sponsor notification shall be submitted to the sponsor for sponsor determination whether the proposed change would constitute a material amendment.* [Per the charter contract, specific material amendments and specific changes requiring only notification to the sponsor are identified; they've been listed above for inclusion in NAC. Per the charter contract, for any changes that don't fall into either of these two categories the Authority will identify whether the anticipated change is material or not.]

*To request from a charter school's sponsor a material amendment of the written charter or charter contract, as applicable, the school's governing body shall, in a meeting that complies with the provisions of chapter 241 of NRS, take action to direct the school's administrator to request of the sponsor the material amendment.*

*A charter school sponsor may base denial of a material amendment on the charter school's standing in regard to the school's performance framework.*

**NAC 386.326 Amendment of written charter: Request to expand instruction to grade levels of pupils other than those for which charter school is currently approved. (NRS 386.527, 386.540)**

1. If the governing body of a charter school wishes to amend its written charter *or charter contract, as applicable*, pursuant to NRS 386.527 to expand the instruction and other educational services provided by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school ~~and the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate~~, the governing body of the charter school must submit to the sponsor of the charter school a written request for such an amendment to the written charter not later than 90 days before the date on which the governing body proposes to operate the expanded grade levels.

2. The written request must include, without limitation:

(a) Each grade level for which the charter school is requesting the amendment and the anticipated enrollment in each grade level for the first year during which the grade level is to be operated.

(b) The proposed curriculum for each grade level for which the charter school is requesting the amendment.

(c) A list of the courses that will be offered at the charter school, including, without limitation:

(1) For each course, the name and a description of the course, including, without limitation, the grade level at which the course will be offered; and

(2) A designation of the courses that a pupil must complete for promotion to each grade level and, if applicable, graduation.

(d) A schedule of classes to be offered which must meet the requirements for prescribed courses and required courses of study as set forth in chapter 389 of NRS and chapter 389 of NAC.

(e) A schedule of examinations of achievement and proficiency that will be administered to pupils at the charter school. The schedule must:

(1) Be aligned with any schedules of examinations of achievement and proficiency which are published by the Department and the school district in which the charter school is located, if available; and

(2) Meet the requirements of chapter 389 of NRS and other applicable federal, state and local laws and regulations.

(f) The qualifications of each person who will provide instruction in each grade level.

(g) A list of textbooks that will be used for the courses described in paragraph (c).

(h) A proposed budget that sets forth the estimated revenues and expenditures of the charter school for the first year in which the charter school enrolls pupils in the expanded grade levels.

3. The sponsor of the charter school shall review the written request submitted pursuant to subsection 1 to determine if the written request:

(a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with regulations of the Department.

4. Within 30 days after receipt of the written request submitted pursuant to subsection 1, the sponsor of the charter school shall provide written notice to the governing body of the charter school of its findings pursuant to subsection 3, including any items that are incomplete or noncompliant. Written notice informing the governing body of a charter school that the written request is incomplete or noncompliant shall be deemed denial of the written request.

5. If the sponsor of the charter school denies a written request submitted pursuant to subsection 1, the governing body of the charter school may correct any deficiencies and resubmit the written request within 30 days after receipt of the written notice of denial for review pursuant to subsection 4.

6. If the sponsor of the charter school finds pursuant to subsection 3 that the written request is compliant and complete, *and the school is in good standing as determined by the sponsor regarding its performance framework* the sponsor may approve the request.

(Added to NAC by Dep't of Education by R071-10, eff. 10-15-2010)

**NAC 386.3265 Amendment of written charter: Request to occupy new or additional facility. (NRS 386.527, 386.540)**

**1. *If the governing body of a charter school wishes to amend its written charter or charter contract, as applicable, pursuant to NRS 386.527 to acquire a new or additional***

*facility, the governing body of the charter school must submit to the sponsor of the charter school a written notice of its intent to acquire a new or additional facility no fewer than 120 days before submitting the written request for amendment required by subsection 2, below, unless an emergency requires the notice to be submitted fewer than 120 days before submitting the written request. The written notice must identify the current enrollment of the school, and must indicate whether or not the acquisition of the new or additional facility would result in or enable an increase in the school's enrollment.*

*The sponsor shall notify the charter school, in writing, within 15 days of receipt of the written notice, whether or not the charter school has permission to proceed with the acquisition of the new or additional facility based upon the charter school's performance as measured by the sponsor's performance framework. Such permission to proceed shall not be construed as approval by the sponsor of an amendment to acquire the new or additional facility. A school shall not proceed with the acquisition of a new or additional facility if the notice of intent is not approved by the school's sponsor.*

4. 2. If the governing body of a charter school wishes to amend its written charter *or charter contract, as applicable*, pursuant to NRS 386.527 to occupy a new or additional facility, the governing body of the charter school must submit to the sponsor of the charter school a written request for such an amendment to the written charter *or charter contract, as applicable*, not later than 15 days before the date on which the charter school proposes to occupy the facility.

2. The written request must include, without limitation:

- (a) The address of the facility.
- (b) The type of facility.
- (c) A floor plan of the facility, including a notation of the size of the facility which is set forth in square feet.
- (d) The name and address of the owner of the facility.
- (e) If the facility will be leased or rented, a copy of the proposed lease or rental agreement.
- (f) A copy of the certificate of occupancy for the facility.
- (g) Documents which indicate that the facility has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation.
- (h) Evidence which demonstrates that the governing body of the charter school has communicated with the Division of Industrial Relations of the Department of Business and Industry regarding compliance with the federal Occupational Safety and Health Act of 1970, as amended.

(i) Documentation which demonstrates that the governing body of the charter school has obtained the insurance required by NAC 386.215 for the proposed facility.

3. The sponsor of the charter school shall:

- (a) Perform a physical inspection of the proposed facility or assign a designee to perform the inspection.
- (b) Review the written request submitted pursuant to subsection 1 to determine if the written request:

(1) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department.

4. Within 10 *working* days after receipt of the written request submitted pursuant to subsection 1 2, the sponsor of the charter school shall provide written notice to the governing body of the charter school of its findings pursuant to subsection 3, including any items that are incomplete or noncompliant. Written notice informing the governing body of a charter school that the written request is incomplete or noncompliant shall be deemed denial of the written request.

5. If the sponsor of the charter school finds pursuant to subsection 3 that the written request is compliant and complete, *and the school is performing well as defined by the performance framework*, the sponsor may approve the request.

6. The governing body of a charter school shall not occupy the proposed facility until the governing body has received written notice of approval of the written request from the sponsor of the charter school.

(Added to NAC by Dep't of Education by R071-10, eff. 10-15-2010)

~~**NAC 386.327 Revocation of charter of charter school providing education for at-risk pupils. (NRS 386.535, 386.540)**~~ The sponsor of a charter school may, in accordance with applicable statutes and regulations, revoke the charter of a charter school that is dedicated to providing educational programs and opportunities for pupils who are at risk if the charter school fails to provide educational programs and opportunities to those pupils as required by the written charter.

~~—(Added to NAC by Dep't of Education by R171-05, eff. 2-23-2006)~~

Proposed new regulation regarding termination for persistent academic underperformance, from SPCSA Performance Framework document:

*For the purposes of NRS 386.535(1)(a)(4) (AB 205 version of revocation statute), a persistently underperforming SPCSA-sponsored charter school is one with:*

- *Any combination of “unsatisfactory” or “critical” designations on the Authority’s Academic Framework; and*
- *A two star or one star ranking on the Nevada School Performance Framework maintained by the Department for three consecutive academic reporting cycles.*

**NAC 386.330 Procedure for revocation of written charter. (NRS 386.535, 386.540)** If the sponsor of a charter school intends to revoke the written charter *or terminate the charter contract, as applicable*, of a charter school pursuant to NRS 386.535, the sponsor shall:

1. Notify the governing body of the charter school, pursuant to subsection 2 of NRS 386.535, by certified mail. ~~If the State Board of Education is the sponsor of the charter school, the Department will transmit written notice of the Board’s intent to revoke the charter to the governing body of the charter school by certified mail. The written notice must:~~

~~(a) Be signed by the Superintendent of Public Instruction or a designee thereof; and~~

~~(b) Comply with subsection 3.~~

2. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education, as applicable, is the sponsor, submit to the Department a copy of

the notice described in subsection 1 within 5 days after providing notice to the governing body of the charter school.

3. Ensure that the notices required pursuant to subsections 1 and 2:

(a) Set forth evidence that the sponsor has made a determination pursuant to subsection 1 of NRS 386.535; and

(b) Describe the findings of the sponsor that authorize revocation of the written charter of the charter school pursuant to NRS 386.535.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R163-99, 2-2-2000; R193-01, 4-1-2002; R045-06, 8-31-2007; R169-07, 9-18-2008)

**NAC 386.335 Closure: Duties of governing body, sponsor and Department; failure of compliance by licensed teacher who is member of governing body. (NRS 386.536, 386.540)**

1. If the governing body of a charter school makes a voluntary decision to close the charter school, the written charter of the charter school is revoked, *the charter contract is terminated* or the operation of the charter school is otherwise terminated for any reason, the governing body shall:

(a) Not less than 30 days before the closure of the charter school, provide written notice of the closure to the Department, the sponsor of the charter school, and the employees of the charter school, *the parent or legal guardian of each pupil enrolled in the charter school, the board of trustees of each school district in which a pupil enrolled in the charter school resides, the Director of the Department of Business and Industry and the creditors of the charter school* which includes:

(1) The reason for the closure;

(2) The date of the closure;

(3) The date of the meeting of the governing body on which the determination was made to close the charter school, if applicable; and

(4) The name of the administrator or other qualified person appointed pursuant to NRS 386.536 to act as a trustee and information on how that person may be contacted;

*(5) A statement of the plan of the charter school to assist pupils to identify and transfer to another school, including notification that school districts may receive pupils for enrollment upon the closure; and*

*(6) The telephone number, mailing address and physical address of the charter school office required to be maintained pursuant to NRS 386.536.*

~~—(b) Not less than 30 days before the closure of the charter school, provide written notice of the closure by regular mail to the parent or legal guardian of each pupil enrolled in the charter school which includes information on how the pupil may transfer to another public school and the manner in which the records of the pupil will be transferred;~~

~~—(c) Not less than 30 days before the closure of the charter school, provide written notice of the closure to the board of trustees of each school district in which a pupil enrolled in the charter school resides which includes notification of the closure of the charter school and notification that the school district may receive pupils for enrollment upon the closure;~~

~~(db)~~ Not less than 30 days before the closure of the charter school, submit to the sponsor of the charter school all records pertinent to:

(1) The indebtedness of the charter school, if any; and

(2) Any property of the charter school that is encumbered;

(ec) Ensure that all information required by NRS 386.650 for inclusion in the automated system of accountability information for Nevada is current to the date of the closure;

(fd) Return any remaining restricted assets to their source, such as grant money and money contained in restricted categorical funds;

(ge) Create a current and projected payroll and payroll benefits commitment, listing each employee, each employment position and the amount of money required to satisfy existing contracts;

(hf) Submit to the sponsor of the charter school a report of the income tax documentation for the employees of the charter school;

(ig) Ensure that the outstanding obligations of the charter school are settled after closure of the charter school, including, without limitation, unemployment compensation, employee benefits, resolution of the lease agreement for the charter school, if applicable, and final balances for utilities and other costs; and

(jh) Provide to the Department and the sponsor of the charter school:

(1) Not later than 6 months after closure of the charter school, the results of an independent audit, including, without limitation, the net assets and net liabilities of the charter school; and

(2) The annual report of budget required by NRS 386.600.

2. Upon notification of the closure of a charter school, the Department and the sponsor of the charter school shall each notify the governing body of the charter school of any outstanding liabilities owed by the charter school to the Department or the sponsor, as applicable.

3. If the governing body of a charter school makes a voluntary decision to close the charter school, the written charter of the charter school is revoked, ***the charter contract is terminated*** or the operation of the charter school is otherwise terminated for any reason:

(a) The sponsor of the charter school shall conduct a physical inspection of the charter school to confirm that all equipment, supplies and textbooks identified in the inventory of the charter school maintained pursuant to NAC 386.342 are on the premises of the charter school; and

(b) The governing body of the charter school shall ensure that all money received by the charter school from this State that is unencumbered is returned to the Department and placed in an escrow account for the purpose of satisfying any outstanding obligations of the charter school. One year after the establishment of the escrow account, the Department will transfer the balance remaining in that account to the State Distributive School Account created pursuant to NRS 387.030.

4. If a licensed teacher who is a member of the governing body of a charter school fails to comply with subsection 1 or paragraph (b) of subsection 3, the sponsor of the charter school or the Superintendent of Public Instruction may consider whether such failure to comply constitutes grounds for suspension or revocation of the license of the teacher pursuant to NRS 391.330 and whether appropriate action is warranted in accordance with NRS 391.320 to 391.361, inclusive.

(Added to NAC by Dep't of Education by R057-04, eff. 8-25-2004; A by R169-07, 9-18-2008)

#### **Operation and Finances**

#### **NAC 386.340 Location of facilities. (NRS 386.540)**

1. Except as otherwise provided in subsection 2, a charter school that is sponsored by the board of trustees of a school district may provide instruction only in facilities located within the county in which that school district is located.

2. A charter school that:

(a) Is sponsored by the board of trustees of a school district;

(b) Provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive; and

(c) Uses facilities other than a pupil's home in which to provide instruction,

→ may provide instruction only in facilities located within the county in which that school district is located.

3. Except as otherwise provided in subsection 4, a charter school that is sponsored by the State Board of Education **Public Charter School Authority** may provide instruction only in facilities located in one county.

4. A charter school that:

(a) Is sponsored by the State Board of Education **Public Charter School Authority**;

(b) ~~Provides a program of~~ **Uses** distance education pursuant to NRS 388.820 to 388.874, inclusive **as its primary method of instruction**; and

(c) Uses facilities other than the pupil's home in which to provide instruction,

→ may provide instruction ~~only~~ in facilities located in **more than** one county. ***Any facility used by a charter school that uses distance education as its primary means of instruction must be inspected and approved by the appropriate building, fire, health and safety authorities. It is the responsibility of the charter school's governing body and administrator to thoroughly describe the intended use of the facility to building, fire, health and safety authorities, and use the facility in adherence to those stated intentions, to enable these authorities to determine what types of inspections and approvals are required for the facility. In addition to obtaining the type of approval required by the appropriate building, fire, health and safety authorities, the charter school shall request of and receive from the charter school's sponsor amendment of the charter to add the facility before the facility may be used by the school.***

#### **NAC 386.341 Compliance with Occupational Safety and Health Act. (NRS 386.540)**

Before the last day of the first operational school year, a charter school shall ~~submit to the Department evidence which demonstrates to the satisfaction of the Department that the facility the charter school occupies~~ **ensure that its facility** has been inspected and approved by the Division of Industrial Relations of the Department of Business and Industry for compliance with the federal Occupational Safety and Health Act of 1970, as amended.

(Added to NAC by Dep't of Education by R171-05, eff. 2-23-2006)

#### **NAC 386.342 Equipment and supplies: Removal from premises; disposition upon closure; written inventory. (NRS 386.540)**

1. If a charter school uses money received from the sponsor of the charter school, this State or the Federal Government to purchase equipment or supplies, the equipment and supplies:

(a) Must remain on the premises of the charter school, unless the charter school is directed otherwise by the sponsor of the charter school, the State or the Federal Government, as applicable; and

(b) May be removed from the premises of the charter school only by the sponsor of the charter school, the State or the Federal Government, as applicable.

2. Equipment and supplies obtained by a charter school from sources other than the sponsor of the charter school, the State or the Federal Government may be removed from the premises of the charter school, subject to any applicable conditions, terms and limitations imposed upon a grant or donation used to purchase the equipment and supplies, if applicable.

3. If a charter school uses money received from this State to purchase property or equipment and the charter school subsequently closes or its operation is otherwise terminated, the governing body of the charter school shall ensure that the property and equipment are transferred to the Department ***sponsor of the school*** for appropriate accounting and disposition.

4. ~~The governing body of a charter school shall ensure that a:~~  
~~—(a) Current written inventory of the equipment, supplies and textbooks of the charter school is maintained; and~~  
~~—(b) Copy of the current written inventory is provided to the sponsor of the charter school.~~  
→ The inventory must identify the source of money used to purchase each item, the name of the entity that donated the item or the owner of the item, as applicable.

(Added to NAC by Dep't of Education by R057-04, eff. 8-25-2004)

**NAC 386.343 Governing body: Interpretation of “parents” for purpose of membership.** (NRS 386.540, 386.549) The Department will interpret “parents,” as used in subsection 1 of NRS 386.549, to mean parents and legal guardians of children enrolled in and attending the charter school for which the governing body is formed.

(Added to NAC by Dep't of Education by R060-02, eff. 12-17-2002)—(Substituted in revision for NAC 386.060)

**NAC 386.345 Governing body: Restrictions on membership; responsibilities; submission of certain information to Department and sponsor; approval of minutes of public meetings.** (NRS 386.540, 386.549)

1. A majority of the members of the governing body of a charter school must reside in the county in which the charter school is located.

2. ***Except as otherwise provided for by NRS 281.210(2)(a),*** The membership of the governing body of a charter school shall not include:

(a) An employee of the governing body or charter school, including, without limitation, an administrator or teacher.

(b) Except as otherwise provided in this paragraph, any person who:

(1) Owns, operates, is employed by or receives compensation from a corporation, business, organization or other entity that enters into a contract with the governing body or charter school; or

(2) Is related by blood or marriage to a person described in subparagraph (1).

→ Pursuant to the requirements of NRS 332.800, a person described in this paragraph may serve on the governing body if the person has entered into a contract with the governing body to provide goods or services to the charter school without profit or at no cost to the charter school. The governing body shall maintain documentation of the terms of such a contract.

3. If a person serves on the governing body of a charter school as a representative of a nonprofit organization or business, not more than one other member of the governing body may also serve as a representative of that organization or business or otherwise represent the interests of that organization or business. In no event may representatives of the same organization or business serving on the governing body constitute a majority of the members of the governing body.



4. Not later than 5 business days after the governing body of a charter school is selected, the governing body shall submit to the Department *and the sponsor*:

(a) The name and address of each member;

(b) The resume of each member;

(c) The state of residence of each member;

(d) If a member serves on the governing body as a teacher, as that term is defined in subsection 5 of NRS 386.549, a photocopy of his or her license to teach; and

(e) An affidavit of each member indicating that the member:

(1) Has not been convicted of a felony or any offense involving moral turpitude; and

(2) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the member by the Department *sponsor*, See SB 443, Sec 7

↪ as required pursuant to NRS 386.549.

*(f) The response to the Request for Information from Prospective Charter School Board Members of each member.*

5. For the purposes of chapter 281A of NRS, the members of the governing body of a charter school are public officers.

6. The governing body of a charter school governs the charter school, maintains overall control of the charter school and is responsible for the operation of the charter school, including, without limitation, critically evaluating the performance of a contractor for the charter school and selecting another contractor if the contractor is not performing his or her duties or services in a satisfactory manner.

7. Not later than 30 business days after each public meeting held by the governing body of a charter school pursuant to subsection 4 of NRS 386.549, the governing body shall submit to the Department and to the sponsor of the charter school a copy of the minutes of the meeting. The minutes of each public meeting must be approved at the next meeting of the governing body and revised as necessary.

8. If the minutes of a meeting have not been approved by the governing body when it submits the minutes pursuant to subsection 7, the governing body shall:

(a) Submit a written statement, accompanying the minutes that are submitted pursuant to subsection 7, indicating that the minutes have not been approved and are subject to revision; and

(b) Submit to the Department and the sponsor of the charter school a copy of the approved minutes not later than 10 days after such approval.

9. As used in this section, "public officer" has the meaning ascribed to it in NRS 281A.160.

(Added to NAC by Dep't of Education by R193-01, eff. 4-1-2002; A by R060-02, 12-17-2002; R045-05, 10-31-2005; R171-05, 2-23-2006; R169-07, 9-18-2008; R170-07, 9-18-2008; R071-10, 10-15-2010)

**NAC 386.350 Governing body: Miscellaneous duties. (NRS 386.540)** The governing body of a charter school shall ensure that:

1. Pupils who earn academic credit at the school can readily transfer that credit to a comparable school without penalty.

2. The educational services provided by the school to pupils with a disability comply with the requirements set forth in chapters 388 and 395 of NRS and NAC 388.150 to 388.450, inclusive.

3. The Department and the sponsor of the charter school receive, within 30 days after the first day of school, a list of the names and qualifications of all persons who are or will be employed by the charter school.

4. Copies of the policies of the charter school concerning the attendance of pupils are:

(a) Distributed to each new pupil at the beginning of the school year and to each new pupil who enters school during the school year; and

(b) Available for public inspection at the school during the school's business hours.

5. If the charter school intends to offer automobile driver education classes, the governing body procures insurance as required pursuant to subsection 4 of NRS 389.090.

6. The written report required pursuant to subsection 2 of NRS 386.610 is received by the sponsor of the charter school not later than 60 days after the last day of instruction in the third year of operation of the charter school under its initial written charter.

7. Pupils enrolled in the charter school receive the following minimum numbers of minutes of instruction per day, including recess but excluding lunch:

(a) For pupils enrolled in kindergarten, 120 minutes.

(b) For pupils enrolled in grades 1 and 2, 240 minutes.

(c) For pupils enrolled in grades 3 to 6, inclusive, 300 minutes.

(d) For pupils enrolled in grades 7 to 12, inclusive, 330 minutes.

8. If the governing body requests that a pupil be transferred pursuant to subsection 4 of NRS 386.580, the governing body submits the request to the school district ~~in which the charter school is located~~: *of residence for the pupil*.

(a) Within 10 days after the governing body determines that the charter school is unable to provide an appropriate special education program and related services for the pupil; and

(b) Accompanied by an explanation of the facts and circumstances which led the governing body to determine that the charter school is unable to provide the appropriate special education program and related services for the pupil.

9. A person employed by the governing body is designated to verify to the school district in which the charter school is located that the information submitted to the school district pursuant to NRS 386.605 has been gathered in a format required by the school district.

10. The notification required pursuant to paragraph (m) of subsection 1 of NRS 386.550 indicating whether the charter school is accredited by the Commission on Schools of the Northwest Accreditation Commission is provided to parents and legal guardians of pupils enrolled in grades 9 to 12, inclusive, not later than 10 days after the first day of school of each school year.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R163-99, 2-2-2000; R024-01, 11-1-2001; R193-01, 4-1-2002; R011-03, 10-30-2003)

**NAC 386.353 Restrictions on limitation of enrollment of pupils; establishment of waiting list and lottery system for enrollment; application to limit enrollment or for waiver to enroll from waiting list. (NRS 386.540, 386.580)**

1. The governing body of a charter school shall not limit the enrollment of pupils in the charter school to a specified number of pupils unless:

(a) The written charter *or charter contract, as applicable*, of the charter school identifies a limit on the number of pupils the charter school will enroll or identifies a ratio of pupils to teachers for the charter school;

(b) The charter school limits the enrollment of pupils to a number that corresponds with the maximum capacity of persons allowed to occupy the facility of the charter school as determined by the building, fire or health authority which inspected the facility; or

(c) The charter school has obtained written permission from the Superintendent of Public Instruction pursuant to subsection 5 to set a limit on the enrollment of pupils.

2. If more pupils who are eligible for enrollment apply for enrollment in a charter school than the number of spaces available, the governing body of the charter school shall establish a waiting list for enrollment in the charter school and place the pupils who were not enrolled in the charter school on the waiting list. The governing body of the charter school shall make available for inspection during the business hours of the charter school a list of the names of pupils on the waiting list.

3. Except as otherwise provided in subsections 5 and 6, if a space for a new pupil becomes available for enrollment, the governing body of the charter school shall fill the available space using the lottery system described in its written charter to determine to which pupil on the waiting list established pursuant to subsection 2 the governing body will offer the available space for enrollment in the charter school. The governing body of the charter school shall provide notice to the pupil selected pursuant to this subsection of the availability of a space for enrollment in the charter school.

4. Except as otherwise provided in subsection 5, a charter school must enroll the pupil notified by the governing body of the charter school pursuant to subsection 3 if that pupil seeks enrollment in the charter school. If the pupil notified by the governing body of the charter school does not wish to enroll in the charter school, the governing body shall, using the lottery system to select another pupil on the waiting list, provide notice of the available space for enrollment to another pupil until the available space is filled.

5. Not later than the first day of the school year, a charter school may submit an application, on a form prescribed by the Superintendent of Public Instruction, to the Superintendent of Public Instruction for:

(a) Written permission to limit the enrollment of pupils in the charter school pursuant to subsection 1; or

(b) A waiver from the requirement to enroll a pupil from the waiting list pursuant to subsection 4.

6. The Superintendent of Public Instruction may approve an application submitted pursuant to subsection 5 if the governing body of the charter school:

(a) Has entered into an agreement with a provider of software for a program of education used in the charter school; and

(b) Submits documentation which demonstrates that the enrollment of additional pupils in the charter school will be an undue financial burden on the charter school.

7. If the Superintendent of Public Instruction denies an application submitted pursuant to subsection 5, the governing body of the charter school may appeal the decision to the State Board.

8. A charter school that limits the enrollment of pupils pursuant to:

(a) Paragraph (a) of subsection 1 must submit a request to the sponsor of the charter school to amend the written charter before enrolling pupils in excess of the approved limit.

(b) Paragraph (b) of subsection 1 must obtain permission from the appropriate building, fire or health authority before enrolling pupils in excess of the maximum capacity allowed to occupy the facility.

(Added to NAC by Dep't of Education by R071-10, eff. 10-15-2010)

**NAC 386.355 Apportionment from State Distributive School Account: Count day; prerequisite to receive apportionments. (NRS 386.540, 386.570)**

1. The count day for a charter school is the same as the count day for the school district in which the charter school is located and is the last day of the first school month of that school district.

2. To receive apportionments from the State Distributive School Account, a charter school must have pupils enrolled and attending school and account for at least 20 school days in the first school month, which may include days on which class is not in session, including, without limitation, in-service days and conference days for teachers.

~~3. If an individual pupil is enrolled and attending a charter school at least 1 school day before the count day, that pupil will be counted.~~

(Added to NAC by Dep't of Education by R011-03, eff. 10-30-2003; A by R044-05, 10-31-2005)

**NAC 386.357 Apportionment from State Distributive School Account: Submission of enrollment information before payment of first apportionment in first year of operation. (NRS 386.540, 386.570)** Not later than 30 days before the first apportionment is made pursuant to NRS 387.124 to a charter school in its first year of operation, the governing body of the charter school shall submit to the Department *school's sponsor*:

1. In an ~~electronic~~ format prescribed by the Department *school's sponsor*, the enrollment form for each pupil enrolled in the charter school, which must include, without limitation:

- (a) The full name of the pupil;
- (b) The address of the pupil and the county in which the pupil resides;
- (c) The telephone number of the residence of the pupil;
- (d) The date of birth of the pupil;
- (e) The unique student identification number of the pupil, if available; and
- (f) The grade level in which the pupil is enrolling; and

2. The name and signature of the parent or legal guardian of each pupil enrolled in the charter school.

(Added to NAC by Dep't of Education by R071-10, eff. 10-15-2010)

**NAC 386.360 Maintenance and forwarding of permanent records of pupils; failure of compliance by licensed teacher who is member of governing body. (NRS 386.540)**

1. The governing body of a charter school shall ensure that a permanent record for each pupil enrolled in the charter school is maintained in a separate file. The permanent record must contain:

- (a) The record of attendance of the pupil;
- (b) The grades received by the pupil;
- (c) The certificate of immunization of the pupil; and
- (d) Any other records related directly to the academic progress of the pupil.

2. The governing body of a charter school shall ensure that records maintained pursuant to subsection 1 are kept in a location that is safe and secure and affords reasonable protection from:

- (a) Fire;
- (b) Misuse; and

(c) Access by unauthorized persons.

3. If a charter school closes, the charter school shall, for each pupil enrolled in the charter school, forward the permanent record of the pupil to the office of pupil records of the school district in which the pupil resides.

4. If a pupil graduates or withdraws from a charter school, the charter school shall forward the permanent record of the pupil to the office of pupil records of the school district in which the pupil resides.

5. If a licensed teacher who is a member of the governing body of a charter school fails to comply with subsections 1 and 2, the sponsor of the charter school or the Superintendent of Public Instruction may consider whether such failure to comply constitutes grounds for suspension or revocation of the license of the teacher pursuant to NRS 391.330 and whether appropriate action is warranted in accordance with NRS 391.320 to 391.361, inclusive.

(Added to NAC by Dep't of Education by R196-97, eff. 3-13-98; A by R193-01, 4-1-2002; R057-04, 8-25-2004)

**NAC 386.365 Reporting of data required for automated system of accountability information for Nevada. (NRS 386.540, 386.650)** A charter school shall report the data required pursuant to NRS 386.650 to:

1. The school district in which the charter school is located if the school district is the sponsor of the charter school;

2. The Department if the State Board of Education *Public Charter School Authority* is the sponsor of the charter school; or

3. The Department if a college or university within the Nevada System of Higher Education is the sponsor of the charter school,

→ not later than the first day of instruction of the first year of operation of the charter school.

(Added to NAC by Dep't of Education by R060-02, eff. 12-17-2002; A by R171-05, 2-23-2006; R169-07, 9-18-2008; A by Bd. of Education by R025-09, 10-27-2009)

**NAC 386.400 Contracts for services: Required provision; submission of certain information by governing body to sponsor and Department. (NRS 386.540, 386.560)**

1. A contract between the governing body of a charter school and an educational management organization, the board of trustees of a school district, the Nevada System of Higher Education or any business, corporation, organization or other entity, whether or not conducted for profit, to provide any service to the charter school must include a provision that requires the contractor to inform each person whom the contractor employs or hires and who provides a direct service to the charter school that:

(a) The person is not employed by the governing body of the charter school; and

(b) The provisions of NRS 386.595 do not apply to an employee of the contractor or any person hired by the contractor to perform a service to the charter school, including, without limitation, the provisions governing the status of employees of a charter school and their collective bargaining rights and benefits.

2. If the governing body of a charter school enters into a contract with an educational management organization, the board of trustees of a school district, the Nevada System of Higher Education or any business, corporation, organization or other entity, whether or not conducted for profit, to provide any service to the charter school, the governing body shall, not later than 30 days after the contract is signed by both parties, submit to the sponsor of the charter school ~~and the Department:~~

- ~~— (a) The name of the contractor;~~
  - ~~— (b) A copy of the contract;~~
  - ~~— (c) The name of a contact person for the contractor;~~
  - ~~— (d) The telephone number and mailing address of the contractor;~~
  - ~~— (e) A description of the service to be provided by the contractor;~~
  - ~~— (f) A description of the manner in which each person who is employed or hired by the contractor to provide a direct service to the charter school has been notified of the information required by subsection 1; and~~
  - ~~— (g) A list of the name and qualifications of each person who is employed or hired by the contractor to provide a direct service to the charter school.~~
- ~~→ If any of the information set forth in paragraphs (a) to (g), inclusive, was included with the application to form the charter school pursuant to subsection 6 of NAC 386.180, the governing body is not required to resubmit the information if it is still accurate after the contract has been entered into.~~

(Added to NAC by Dep't of Education by R193-01, eff. 4-1-2002; A by R071-10, 10-15-2010)

**~~NAC 386.403—Contracts with contractors or educational management organizations: Prohibited provisions. (NRS 386.540)~~** A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:

- ~~— 1. Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;~~
- ~~— 2. Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;~~
- ~~— 3. Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;~~
- ~~— 4. Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;~~
- ~~— 5. Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;~~
- ~~— 6. Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;~~
- ~~— 7. Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management organization will provide financial management to the charter school;~~
- ~~— 8. Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person other than the contractor or educational management organization;~~

- 9. Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;
  - 10. Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;
  - 11. Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization; or
  - 12. Except as otherwise provided in this subsection, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school.
- (Added to NAC by Dep't of Education by R061-08, eff. 9-18-2008)

**REVISER'S NOTE.**

—The regulation of the Department of Education filed with the Secretary of State on September 18, 2008 (LCB File No. R061-08), the source of this section, contains the following provisions not included in NAC:

—“Sec. 6. 1. A charter school that is sponsored by the State Board of Education which is in operation on September 18, 2008, may continue to operate pursuant to its current written charter until the expiration of that written charter even if the charter school does not satisfy the requirements of sections 2 and 3 of this regulation [NAC 386.204 and 386.403].

—2. An application to form a charter school for sponsorship by the State Board of Education or to renew a written charter that is sponsored by the State Board which is submitted after September 18, 2008, must comply with the provisions of sections 2 and 3 of this regulation [NAC 386.204 and 386.403].

—Sec. 7. 1. A charter school that is sponsored by a school district or a college or university within the Nevada System of Higher Education which is in operation on September 18, 2008, may continue to operate pursuant to its current written charter until the expiration of that written charter even if the charter school does not satisfy the requirements of section 3 of this regulation [NAC 386.403].

—2. An application to form a charter school for sponsorship by a school district or a college or university within the Nevada System of Higher Education or to renew a written charter that is sponsored by a school district or a college or university which is submitted after September 18, 2008, must comply with the provisions of section 3 of this regulation [NAC 386.403].”

See NRS 386.562

**NAC 386.405 Contracts with educational management organizations: Initial term; renewal; prohibited provisions; approval of key personnel by governing body; annual performance review by governing body; submission of written report by educational management organization; effect of reference to a particular educational management organization in written charter. (NRS 386.540, 386.590)**

1. The governing body of a charter school shall not enter into a contract with an educational management organization for an initial term of more than 2 years. Such a contract:

(a) Must allow the governing body to terminate the contract and must not prohibit the governing body from entering into a contract with another educational management organization.

(b) Must not be contingent upon any other contract.

(c) Must not require the governing body to enter into any other contract with the educational management organization or to renew a contract with the educational management organization.

2. The provisions of subsection 1 do not preclude a charter school from renewing a contract with the educational management organization after the expiration of a contract if the educational management organization has performed in a satisfactory manner.

3. At the expiration of the initial term of the contract entered into pursuant to subsection 1, the governing body of a charter school may enter into a contract with the same educational

management organization for a term not to exceed the remaining term of the written charter of the charter school.

4. The governing body of a charter school shall approve the appointment, or any change to the appointment, of all key personnel for the charter school who are directly employed and provided by an educational management organization. Such approval must occur at a regularly scheduled public meeting of the governing body. If the administrative head of a charter school is provided by an educational management organization, information regarding that person must be provided to the Department in accordance with NAC 386.100. For purposes of this subsection, "key personnel" includes administrators who are employed pursuant to subsection 6 of NRS 386.590 and the person designated to draw all orders for the payment of money belonging to the charter school required by NRS 386.573.

5. If the governing body of a charter school enters into a contract with an educational management organization, the governing body shall, not later than 60 days after the end of the school year, review the performance of the educational management organization to determine whether the educational management organization is performing in a manner that satisfies the terms and conditions of the written charter, including, without limitation, the satisfaction of the goals of the charter school. If the educational management organization is not performing in a satisfactory manner, the governing body shall require the educational management organization to prepare, in consultation with the governing body, a plan of corrective action for the educational management organization. The plan must include the steps which will be taken by the educational management organization to ensure that it performs in a manner which satisfies the terms and conditions of the written charter, including, without limitation, the satisfaction of the goals of the charter school. ~~Not later than 120 days after the end of the school year, the governing body shall submit to the sponsor of the charter school and the Department a copy of the review conducted pursuant to this subsection and the plan of corrective action for the educational management organization, if applicable.~~

6. If the governing body of a charter school enters into a contract with an educational management organization, the governing body shall require the educational management organization to provide a written report ~~to the sponsor of the charter school, to the governing body of the charter school and to the Department~~ not later than 15 business days after the end of each fiscal year during which the contract was in effect. The written report must be in a format approved by the Superintendent of Public Instruction and include:

(a) The amount of money received by the educational management organization from public and private sources to carry out the terms of the contract;

(b) The expenditures of the educational management organization relating to carrying out the contract, including, without limitation, the payment of salaries, benefits and bonuses; and

(c) An identification of each contract, transaction and agreement entered into by the educational management organization related to carrying out the contract with the charter school, including, without limitation, contracts, transactions and agreements with parent organizations, subsidiaries and partnerships of the educational management organization.

7. If an educational management organization is identified in the written charter of a charter school, the inclusion of a reference to that particular educational management organization in the written charter does not preclude the governing body of the charter school from terminating or not renewing a contract entered into with that educational management organization. If the governing body terminates or does not renew such a contract, the governing body shall amend



the written charter accordingly to remove any errant references to that educational management organization.

(Added to NAC by Dep't of Education by R193-01, eff. 4-1-2002; A by R170-07, 9-18-2008; R071-10, 10-15-2010)

**NAC 386.407 Limitations on provision of teachers and other personnel by educational management organization. (NRS 386.540, 386.590)**

1. Except as otherwise provided in subsection 2, the governing body of a charter school may not contract with an educational management organization for the provision of more than 30 percent of the teachers or other personnel who are required to be licensed pursuant to NRS 386.590.

2. The provisions of subsection 1 do not apply to a contract between the governing body of a charter school and an educational management organization for the provision of teachers or other personnel who:

(a) Hold an endorsement pursuant to NAC 391.223, 391.243, 391.277, 391.279, 391.315, 391.340, 391.343, 391.350 to 391.383, inclusive, 391.390 or 391.391; and

(b) Work at the charter school in the field in which they hold the endorsement.

(Added to NAC by Dep't of Education by R060-02, eff. 12-17-2002)

**NAC 386.409 Calculation of ratio for employment of licensed teachers; exception for vocational charter school. (NRS 386.540, 386.590)**

1. Except as otherwise provided in subsection 2, to comply with subsection 1 of NRS 386.590, the total number of licensed teachers employed by a charter school to provide instruction must be equal to or more than the product of 70 percent multiplied by the total number of persons employed full-time and part-time by the charter school to provide instruction.

2. The provisions of this section do not apply to a charter school that is a vocational school as described in NAC 386.415.

(Added to NAC by Dep't of Education by R060-02, eff. 12-17-2002; A by R202-03, 3-19-2004)

**NAC 386.410 Performance audits: Report of compliance. (NRS 385.080, 386.540, 386.5515)** The sponsor of a charter school shall submit to the Department a performance audit that reports the compliance of the charter school with the written charter and with the applicable statutes and regulations. The report of compliance must be submitted annually unless the charter school is eligible for a waiver from the annual submission pursuant to NRS 386.5515 and NAC 386.412. If the charter school submits the documentation required for a waiver pursuant to NAC 386.412 and the sponsor determines that the charter school is eligible for the waiver, the charter school shall submit to the performance audit every 3 years. If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of a charter school, the report of compliance must be included in the report that is required pursuant to NRS 386.610. ~~The report of compliance must include:~~

~~—1. A determination whether the charter school and its governing body comply with the terms and conditions of operation set forth in the written charter.~~

~~—2. A determination whether the membership of the governing body of the charter school complies with NRS 386.549 and NAC 386.345, including, without limitation, whether:~~

~~—(a) The governing body consists of the number of teachers required by NRS 386.549;~~

~~— (b) A majority of the members of the governing body reside in the county in which the charter school is located; and~~

~~— (c) Each member of the governing body has filed an affidavit with the Department indicating that he or she:~~

~~— (1) Has not been convicted of a felony or offense involving moral turpitude; and~~

~~— (2) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to him or her by the Department;~~

~~→ as required pursuant to NRS 386.549.~~

~~— 3. A determination whether the governing body has held at least one regularly scheduled public meeting in the county in which the charter school is located during each calendar quarter and each meeting complied with chapter 241 of NRS.~~

~~— 4. A determination whether the governing body and the charter school comply with the provisions of NRS 332.800.~~

~~— 5. Upon examination of the agenda and minutes of each meeting of the governing body and the reports submitted to the governing body during each meeting, a determination whether the governing body is fulfilling its duty to evaluate the performance of each entity with whom the governing body has entered into a contract, including, without limitation, the performance of an educational management organization.~~

~~— 6. If the charter school is dedicated to providing educational programs and opportunities for pupils who are at risk, a determination whether the educational programs and services provided to those pupils are appropriate and carried out in an effective manner.~~

~~— 7. A determination whether the charter school has complied with generally accepted standards of accounting and fiscal management.~~

~~— 8. A determination whether all money received by the charter school from this State and from the board of trustees of a school district is deposited and maintained in a bank, credit union or other financial institution in this State.~~

~~— 9. A determination whether the charter school has adopted a final budget, as required by NRS 386.550 and NAC 387.725.~~

~~— 10. A determination whether the charter school complies with NRS 386.573 regarding orders for payment of money.~~

~~— 11. A determination whether the charter school administers achievement and proficiency examinations in accordance with chapter 389 of NRS and chapter 389 of NAC.~~

~~— 12. A summary of the manner in which the charter school ensures the health and safety of the pupils enrolled in the charter school, including, without limitation, a determination whether the charter school:~~

~~— (a) Complies with the requirements for reporting the abuse or neglect of a child;~~

~~— (b) Complies with Title V of the Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq.;~~

~~— (c) Provides adequate health services;~~

~~— (d) Maintains records of the immunizations required of pupils in accordance with NRS 392.435;~~

~~— (e) Complies with NRS 392.450 by providing drills for pupils in the appropriate procedures to be followed in the event of an emergency and by posting escape routes; and~~

~~— (f) Complies with the requirements for crisis response in public schools in accordance with NRS 392.600 to 392.656, inclusive.~~

- ~~— 13. A determination whether each facility that the charter school occupies complies with applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation.~~
- ~~— 14. A determination whether the charter school complies with NRS 386.585, including, without limitation, whether the charter school:~~
- ~~— (a) Provides a copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments to each pupil;~~
- ~~— (b) Maintains, for public inspection at the charter school, a copy of the rules of behavior, prescribed punishments and procedures to be followed in imposing punishments; and~~
- ~~— (c) Complies with the policies and procedures for the suspension and expulsion of pupils.~~
- ~~— 15. A description of the attendance policy of the charter school and a determination whether the policy is:~~
- ~~— (a) Distributed to each pupil in accordance with NAC 386.350; and~~
- ~~— (b) Available for public inspection during the school's regular business hours.~~
- ~~— 16. If pupils with disabilities are enrolled in the charter school, a determination whether the provision of special educational services and programs to those pupils complies with the requirements set forth in chapters 388 and 395 of NRS and NAC 388.150 to 388.450, inclusive.~~
- ~~— 17. A determination whether the charter school provides instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school.~~
- ~~— 18. A determination whether the charter school provides at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and requires the pupils who are enrolled in the charter school to take those courses of study.~~
- ~~— 19. A determination whether the charter school complies with NRS 386.590 regarding the employment of teachers and other educational personnel.~~
- ~~— 20. A determination whether the status of the employees of the charter school and the rights and benefits provided to those employees comply with NRS 386.595.~~
- ~~— 21. A description of the manner in which the charter school maintains personnel records for its employees.~~
- ~~— 22. A description of the procedure for the enrollment of pupils in the charter school, including, without limitation, whether the charter school enrolls pupils on the basis of a lottery system if more pupils who are eligible for enrollment apply for enrollment than the number of spaces that are available.~~
- ~~— 23. If the charter school provides instruction to pupils enrolled in kindergarten, first grade or second grade, a determination whether the charter school complies with NRS 392.040 regarding the ages for enrollment in those grades.~~
- ~~— 24. A determination whether the charter school refrains from charging tuition or fees, except for those fees that are authorized by specific statute or by the written charter of the charter school.~~
- ~~— 25. A determination whether the charter school provides written notice to the parents and legal guardians of pupils enrolled in grades 9 to 12, inclusive, whether the charter school is accredited by the Commission on Schools of the Northwest Accreditation Commission.~~
- ~~— 26. A determination whether the charter school complies with NRS 386.583 regarding the adoption of rules for academic retention.~~

—27. ~~A determination of whether the charter school maintains the type and amount of insurance:~~

—(a) ~~Required by NAC 386.215.~~

—(b) ~~In a manner that complies with paragraph (l) of subsection 1 of NRS 386.550, which may include worker's compensation insurance, or is otherwise prepared to hold harmless, indemnify and defend the sponsor of the charter school as required by that paragraph.~~

—28. ~~A determination whether the written inventory of equipment, supplies and textbooks that is maintained by the charter school pursuant to NAC 386.342 is current and accurate.~~

—(Added to NAC by Dep't of Education by R193-01, eff. 4-1-2002; A by R060-02, 12-17-2002; R011-03, 10-30-2003; R058-04, 8-25-2004; R044-05, 10-31-2005; R171-05, 2-23-2006; R171-05, 2-23-2006, eff. 7-1-2006; A by Bd. of Education by R135-07, 4-17-2008; A by Dep't of Education by R169-07, 9-18-2008; A by Bd. of Education by R026-09, 10-27-2009)

**~~NAC 386.412 Eligibility for available money for facilities; waiver of annual performance audits. (NRS 385.080, 386.5515)~~**

—1. ~~A charter school "has demonstrated improvement in the achievement of pupils enrolled in the charter school" for the purposes of paragraph (c) of subsection 1 of NRS 386.5515 if the number of pupils enrolled in the charter school who are categorized as emergent or developing pupils is reduced for the most recent testing cycle by not less than 10 percent of the number of pupils who were categorized as emergent or developing pupils in the immediately preceding school year. The reduction of the number of pupils who are categorized as emergent or developing pupils must be measured for all subject areas required to be tested pursuant to state or federal law for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 enrolled in the charter school, regardless of the size of the group.~~

—2. ~~For the purposes of paragraph (c) of subsection 1 of NRS 386.5515:~~

—(a) ~~A pupil has passed the high school proficiency examination if the pupil has passed each subject area of that examination.~~

—(b) ~~The percent of pupils enrolled in the charter school who have passed the high school proficiency examination must be determined based upon the test scores of pupils who were enrolled in grade 12 in the immediately preceding school year and were required to take the high school proficiency examination.~~

—3. ~~A charter school that wishes to submit to a performance audit one time every 3 years rather than every year shall submit to the sponsor of the charter school documentation sufficient to demonstrate that the charter school satisfies the requirements of subsection 1 of NRS 386.5515 and is eligible for a waiver from the annual performance audit. The documentation must be submitted to the sponsor of the charter school not later than November 15 of the first school year in which the charter school is eligible for the waiver. The sponsor of the charter school shall determine whether the charter school satisfies the requirements of subsection 1 of NRS 386.5515 and shall provide written notice to the charter school of its determination on or before December 15 of the year in which documentation is submitted by the charter school pursuant to this subsection.~~

—4. ~~As used in this section, "performance audit" means the report of compliance required pursuant to NAC 386.410.~~

—(Added to NAC by Bd. of Education by R135-07, eff. 4-17-2008)

**NAC 386.415 Vocational school: Interpretation of term for certain purposes; requirements for career and technical education. (NRS 386.540, 386.590, 388.360)**

1. For the purposes of subsection 1 of NRS 386.590, the Department *and sponsor* will consider a charter school to be a "vocational school" if the charter school provides:

- (a) Instruction in at least grades 9 through 12, inclusive; and
- (b) A progression of courses within one or more of the occupational areas identified in NAC 389.516 that prepares a pupil for entry level employment in an occupational area.

2. A charter school that is a vocational school shall comply with subsection 3 of NAC 389.800, and the courses in career and technical education offered by such a school must comply with subsection 1 of that section.

(Added to NAC by Dep't of Education by R202-03, eff. 3-19-2004; A by Bd. for Career & Tech. Educ. by R172-05, 2-23-2006)

**Account for Charter Schools**

**NAC 386.420 Definitions. (NRS 385.080, 386.578)** As used in NAC 386.420 to 386.445, inclusive, unless the context otherwise requires, the words and terms defined in NAC 386.425 and 386.430 have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002)

**NAC 386.425 "Account" defined. (NRS 385.080, 386.578)** "Account" means the Account for Charter Schools created pursuant to NRS 386.576.

(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002)

~~**NAC 386.430 "Operational charter school" defined. (NRS 385.080, 386.578)**~~ "Operational charter school" means a charter school in which pupils are enrolled who are receiving instruction from the charter school.

~~—(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002)~~

**NAC 386.435 Application for loan from Account; annual determination of balance of money in Account. (NRS 385.080, 386.578)**

1. An application for a loan from the Account must be submitted by the governing body of a charter school to the Department *State Public Charter School Authority between January 1 and March 15* on or before September 30 of the calendar year immediately preceding the calendar year in which the loan will be made. The Department *State Public Charter School Authority* shall not accept an application for a loan from the Account unless the Department *State Public Charter School Authority* has determined pursuant to subsection 2 that the balance of money in the Account is \$5,000 or more. An application must include:

- (a) The name of the charter school.
- (b) The name, address and telephone number of the person whom the Department *State Public Charter School Authority* may contact regarding the application.
- (c) The proposal of the charter school to repay the loan, consistent with NAC 386.445.
- (d) A description of:
  - (1) The financial needs of the charter school;
  - (2) The business plan for the charter school;
  - (3) The effect that receipt of the loan will have on the operation of the charter school;

(4) The effect, if any, that receipt of the loan will have on the ability of the governing body or the charter school to obtain other financial assistance from public and private sources; and

(5) The plan, ~~if any,~~ for the use of the money obtained from the loan, ~~including, without limitation, methods to enhance the credit of the charter school.~~

(e) A list of the anticipated expenses for which the money obtained from the loan will be used.

(f) A budget for the charter school for the fiscal year in which the loan is received and for each fiscal year of the proposed period for repayment of the loan. The budget must:

(1) Include an identification of all sources of revenue and expenses;

(2) Include the cost for repayment of the loan; and

(3) Be accompanied by a written narrative explaining each of the assumptions made in developing the budget.

(g) If the charter school is an operational charter school, a statement of the financial history of the applicant.

(h) If a member of the governing body has or had an association or affiliation with another charter school in this State or another state, a statement of the financial history of the charter school with which the member has or had such an association or affiliation. The provisions of this paragraph apply regardless of whether the member has terminated the association or affiliation.

(i) ***For an operating charter school,*** three credit references for the applicant.

(j) A statement of the monthly cash flow for the operation of the charter school, including, without limitation, an identification of the amount and timing of receipt of revenue relating to the amount and timing of expenditures.

(k) A resolution of the governing body authorizing submission of the application.

***(l) A letter of endorsement from the sponsor of the charter school.***

2. On or before July 1 of each year, the ~~Department~~ **State Public Charter School Authority** shall determine the balance of money in the Account. If the ~~Department~~ **State Public Charter School Authority** determines that the balance of money in the Account is \$5,000 or more, the ~~Department~~ **State Public Charter School Authority** shall provide notice of that fact and the availability of loans from the Account to each charter school that has been issued a written charter ***or charter contract, as applicable,*** pursuant to NRS 386.527.

(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002)

**NAC 386.440 Priority for loans; considerations for approval of loans. (NRS 385.080, 386.578)**

1. To the extent that money is available in the Account, the ~~Department~~ **State Public Charter School Authority** shall grant priority for loans from the Account to those charter schools with approved applications that will use the money obtained from the loan in preparing to commence the first year of operation.

2. In determining whether to approve an application, the ~~Department~~ **State Public Charter School Authority** shall consider the:

(a) Reliability of the business plan submitted with the application;

(b) Ability of the charter school to obtain financial assistance from other sources;

(c) Information submitted in the application; and

(d) Effect of approval of the application on the equitable geographic distribution throughout this State of loans from the Account.

(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002)

**NAC 386.445 Repayment of loans.** (NRS 385.080, 386.540, 386.578)

1. The rate of interest for loans made from the Account is the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the transaction.

2. If a loan is made to a charter school from the Account, the Department shall deduct from the apportionments made to the charter school pursuant to NRS 387.124, an amount of money equal to the annual repayment amount of the loan, including interest. The deductions must be made:

(a) In quarterly amounts corresponding with the quarterly apportionment to the charter school.

(b) In equal amounts during the period of repayment agreed upon by the governing body of the charter school and the ~~Department~~ **State Public Charter School Authority**, not to exceed 3 years.

3. If a loan is made to an operational charter school, the deductions must be made commencing in the same fiscal year in which the loan is made. If a loan is made to a **non-operational** charter school that has a written charter **or a charter contract** issued pursuant to ~~subsection 7 of~~ NRS 386.527, the deductions must be made commencing with the first fiscal year immediately succeeding the fiscal year in which the charter school becomes an operational charter school.

4. If a charter school that receives a loan:

(a) Defaults on repayment of the full amount **outstanding balance** of the loan;

(b) Was issued a written charter pursuant to subsection 7 of NRS 386.527 and the charter school fails to obtain a written charter issued pursuant to subsection 5 of NRS 386.527;

(c) **Was issued a charter contract and the charter school fails to fulfill its pre-opening requirements for commencement of operation**

(ed) Closes or otherwise ceases operation,

↪ the charter school shall be solely liable for repayment of the full amount of the loan.

5. As used in this section, "fiscal year" means the 12-month period beginning on the first day of July and ending on the last day of June.

(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002; A by Dep't of Education by R044-05, 10-31-2005)

**CHARTER SCHOOL AND UNIVERSITY SCHOOL FOR PROFOUNDLY GIFTED PUPILS BUDGET AND FINANCE REGULATIONS**

**NAC 387.600 Short title.** (NRS 386.540, 392A.060) The provisions of NAC 387.600 to 387.780, inclusive, may be cited as the Charter School and University School for Profoundly Gifted Pupils Budget and Finance Regulations.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.605 Purposes of Charter School and University School for Profoundly Gifted Pupils Budget and Finance Regulations.** (NRS 386.540, 392A.060)

1. The purposes of NAC 387.600 to 387.780, inclusive, are:

(a) To establish standard methods and procedures for the preparation, presentation, adoption and administration of budgets of all charter schools and university schools for profoundly gifted pupils.

(b) To enable charter schools and university schools for profoundly gifted pupils to make financial plans for programs of both current and capital expenditures and to formulate fiscal policies to accomplish these programs.

(c) To provide for estimation and determination of revenues and expenditures.

(d) To provide for the control of revenues, expenditures and expenses in order to promote prudence and efficiency in the expenditure of public money.

(e) To provide specific methods enabling the public, taxpayers and investors to be apprised of the financial preparations, plans, policies and administration of all charter schools and university schools for profoundly gifted pupils.

2. For the accomplishment of these purposes, the provisions of NAC 387.600 to 387.780, inclusive, must be broadly and liberally construed.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.610 Definitions.** (NRS 386.540, 392A.060) As used in NAC 387.600 to 387.780, inclusive, unless the context otherwise requires, the words and terms defined in NAC 387.615 to 387.685, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.615 “Accrual basis” defined.** (NRS 386.540, 392A.060) “Accrual basis” means the basis of accounting under which expenditures or expenses are recorded as soon as they result in liabilities for benefits received and revenues are recorded when earned, despite the possibility that the receipt of the revenue or the payment for the expense may take place, in whole or in part, in another accounting period.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.617 “Anticipated revenue” defined.** (NRS 386.540, 392A.060) “Anticipated revenue” means the amount of revenue anticipated to be collected or accrued during a given period.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.619 “Appropriation” defined.** (NRS 386.540, 392A.060) “Appropriation” means an authorization by a governing body to make expenditures and to incur obligations for specified purposes.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.622 “Assets” defined.** (NRS 386.540, 392A.060) “Assets” means property which:

1. Is owned by a charter school or university school for profoundly gifted pupils; and
2. Has a monetary value.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.625 “Audit” defined.** (NRS 386.540, 392A.060) “Audit” means the examination and analysis of financial statements, accounting procedures and other evidence



made in conformity with generally accepted auditing standards in the United States for one or more of the following purposes:

1. Determining the propriety and mathematical accuracy of material financial transactions;
2. Ascertaining whether financial transactions have been properly recorded;
3. Ascertaining whether the financial statements prepared from the accounting records fairly present in all material respects the financial position and the results of financial operations and cash flows of the charter schools and university schools for profoundly gifted pupils in accordance with generally accepted accounting principles in the United States and on a basis which is consistent with that of the preceding year;
4. Evaluating internal accounting controls over financial reporting of the handling of the public money and public property;
5. Determining whether the fiscal controls established by law and administrative regulations are being properly applied;
6. Determining whether there is any evidence that fraud or dishonesty has occurred in the handling of funds or property;
7. Determining whether the acquisition, depreciation and disposition of property and equipment are accounted for in accordance with generally accepted accounting principles in the United States; and
8. Determining whether the removal of the uncollectible accounts receivable from the records of a charter school or university school for profoundly gifted pupils is done in accordance with the procedure established by law and administrative regulations.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.628 “Budget” defined.** (NRS 386.540, 392A.060) “Budget” means a plan of financial operation embodying an estimate of proposed expenditures and expenses for a given period and the proposed means of financing them.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.630 “Budget augmentation” defined.** (NRS 386.540, 392A.060) “Budget augmentation” is a procedure for increasing appropriations of a fund with the express intent of employing previously unbudgeted resources of the fund for carrying out the increased appropriations.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.633 “Budget year” defined.** (NRS 386.540, 392A.060) “Budget year” means the fiscal year for which a budget is being prepared.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.637 “Capital assets” defined.** (NRS 386.540, 392A.060) “Capital assets” means assets of a long-term character which are intended to continue to be held or used such as land, buildings, machinery, furniture and other equipment.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.640 “Contingency account” defined.** (NRS 386.540, 392A.060) “Contingency account” means an account showing money that has been appropriated to provide for unforeseen expenditures or anticipated expenditures of an uncertain amount.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.644 “Department” defined.** (NRS 386.540, 392A.060) “Department” means the Department of Education.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.647 “Encumbrances” defined.** (NRS 386.540, 392A.060) “Encumbrances” means commitments related to unperformed contracts for goods or services, the accounting for which is used to ensure effective budgetary control and accountability and to promote effective cash planning and control. For reporting purposes, encumbrances outstanding at a year’s end represent the estimated amount of the expenditure ultimately to result if the unperformed contracts existing at the year’s end are performed. Encumbrances outstanding at a year’s end do not constitute expenditures or liabilities.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.650 “Expenditure” defined.** (NRS 386.540, 392A.060)

1. “Expenditure” means:

(a) If the accounting records are kept on the modified accrual basis, the cost of goods delivered or services rendered, whether paid or unpaid. Expenditures are recognized in the accounting period in which the fund liability is incurred, if measurable, except for unmatured interest on general long-term liabilities which should be recognized when due.

(b) If accounts are kept on the cash basis, only cash disbursements for the purposes listed in paragraph (a).

2. Encumbrances are not considered expenditures.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.654 “Expense” defined.** (NRS 386.540, 392A.060) “Expense” means any charge incurred, under the accrual basis, whether paid or unpaid, for operation, maintenance or interest or any other charge which is presumed to provide benefit in the current fiscal period.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.657 “Final budget” defined.** (NRS 386.540, 392A.060) “Final budget” means the budget which has been adopted by a charter school or university school for profoundly gifted pupils and which has been determined by the Department to be in compliance with applicable statutes and regulations.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.660 “Fiscal year” defined.** (NRS 386.540, 392A.060) “Fiscal year” means the 12-month period beginning on the first day of July and ending on the last day of June.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.667 “Liabilities” defined.** (NRS 386.540, 392A.060) “Liabilities” means, for the purpose of financial reporting, debts or other legal obligations arising out of transactions in the past which must be liquidated or refunded at some future date.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.670 “Modified accrual basis” defined.** (NRS 386.540, 392A.060) “Modified accrual basis” means the basis of accounting under which expenditures other than accrued interest on general long-term debt are recorded at the time liabilities are incurred and revenues

are recorded when they become measurable and available to finance expenditures of the fiscal period.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.675 “Reserve” defined.** (NRS 386.540, 392A.060) “Reserve” means, in accounting and reporting of government funds, a portion of the fund equity which is not appropriable for expenditures or is segregated by law or contract for a specific future use.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.677 “Revenue” defined.** (NRS 386.540, 392A.060) “Revenue” means the gross receipts and receivables of a charter school or university school for profoundly gifted pupils derived from all sources.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.680 “State Board” defined.** (NRS 386.540, 392A.060) “State Board” means the State Board of Education.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.685 “Tentative budget” defined.** (NRS 386.540, 392A.060) “Tentative budget” means the budget that is prepared initially, published and recorded by each charter school and university school for profoundly gifted pupils for an ensuing fiscal year prior to its subsequent adoption.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.700 Preparation and submission of annual capital improvement plan; limitation on amount of expenditures; required contents; reconciliation of capital outlay.** (NRS 386.540, 392A.060)

1. Each charter school and each university school for profoundly gifted pupils shall annually prepare, on a form prescribed by the Department of Taxation for use by local governments, a capital improvement plan for the fiscal year ending on June 30 of that year and the ensuing 5 fiscal years.

2. On or before February 1 of each year, each charter school and each university school for profoundly gifted pupils shall submit a copy of the capital improvement plan to:

- (a) The Department;
- (b) The Director of the Legislative Counsel Bureau; and
- (c) ~~For a charter school that is not sponsored by the State Board,~~ the sponsor of the charter school.

3. The total amount of the expenditures contained in the capital improvement plan of the charter school or university school for profoundly gifted pupils for the next ensuing fiscal year must equal the total amount of expenditures for capital outlay set forth in the final budget of the charter school or university school for profoundly gifted pupils for each fund listed in that budget.

4. The capital improvement plan must include the estimated or actual revenues and expenditures for each capital project and the estimated or actual date for completion of each capital project.

5. The capital improvement plan must reconcile the capital outlay in each fund in the final budget for the first year of the capital improvement plan to the final budget in the next ensuing

fiscal year. The reconciliation must identify the minimum level of expenditure for items classified as capital assets in the final budget and the minimum level of expenditure for items classified as capital projects in the capital improvement plan. The reconciliation of capital outlay items in the capital improvement plan must be presented on forms created and distributed by the Department of Taxation for use by local governments.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.705 Construction of capital improvement prohibited unless funding included in approved budget.** (NRS 386.540, 392A.060) A charter school or university school for profoundly gifted pupils shall not begin the construction of a capital improvement unless the funding for the operation and maintenance of the improvement during the current fiscal year, including personnel, is included in an approved budget.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.710 Annual report concerning capital improvements owned, leased or operated by charter school or university school for profoundly gifted pupils.** (NRS 386.540, 392A.060)

1. In addition to the records and inventory controls established and maintained pursuant to NAC 387.770, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall, for each fiscal year, compile a report concerning the capital improvements owned, leased or operated by the charter school or university school for profoundly gifted pupils.

2. The report of the capital improvements required pursuant to subsection 1 must be prepared in such detail as is required by generally accepted accounting principles.

3. The governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall submit, in any format including an electronic format, a copy of the report compiled pursuant to subsection 1 on or before February 1 of the year next succeeding the period to which the report pertains to the Department.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.715 Contents of budget.** (NRS 386.540, 392A.060) Each budget of a charter school and each budget of a university school for profoundly gifted pupils must include:

1. Detailed estimates of revenues, balances in other funds and other sources of financing for the budget year classified by funds and sources in a manner and on forms prescribed by the Department of Taxation for use by local governments.

2. Detailed estimates of expenditures and other uses of money for the budget year classified in a manner and on forms prescribed by the Department of Taxation for use by local governments.

3. A separate statement of the anticipated expenses relating to activities designed to influence the passage or defeat of any legislation, setting forth each separate category of expenditure that is required to be included in a supplemental report pursuant to subsection 1 of NAC 387.750.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.720 Tentative budget: Preparation and submission; notice and public hearing.** (NRS 386.540, 392A.060)

1. The person designated by the governing body of a charter school pursuant to NRS 386.573 or by the governing body of a university school for profoundly gifted pupils pursuant to NRS 392A.085, as applicable, shall prepare or the governing body shall cause to be prepared, on appropriate forms prescribed by the Department of Taxation for the use of local governments, a tentative budget for the ensuing fiscal year.

2. On or before April 15, a tentative budget for the following fiscal year must be submitted to the clerk or the secretary of the governing body of the charter school or university school for profoundly gifted pupils, as applicable, and a copy of the tentative budget must be submitted to the Department of Education.

3. At the time of submission of the tentative budget, the governing body of the charter school or university school for profoundly gifted pupils, as applicable, shall give notice of the time and place of a public hearing on the tentative budget. The notice of the public hearing must state:

(a) The time and place of the public hearing;

(b) That a tentative budget has been prepared in such detail as prescribed by the Department of Education on forms prescribed by the Department of Taxation; and

(c) The places where copies of the tentative budget are on file and available for public inspection.

4. Budget hearings must be held during the second or third week in May.

5. At the time and place advertised for public hearing, or at any time and place to which the public hearing is from time to time adjourned, the governing body of the charter school or university school for profoundly gifted pupils, as applicable, shall hold a public hearing on the tentative budget, at which time interested persons must be given an opportunity to be heard.

6. At the public hearing, the governing body of the charter school or university school for profoundly gifted pupils, as applicable, shall indicate changes, if any, to be made in the tentative budget.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.725 Final budget: Adoption and submission. (NRS 386.540, 392A.060)**

1. Not later than June 8 of each year, the governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall, at a public meeting, adopt its final budget for the ensuing fiscal year by the favorable votes of a majority of the members of the governing body.

2. The governing body shall submit copies of the final budget to:

(a) The Department;

(b) The Legislative Counsel Bureau; and

(c) ~~For a charter school that is not sponsored by the State Board,~~ the sponsor of the charter school.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.730 Final budget: Amounts appropriated for proposed expenditures; limitations. (NRS 386.540, 392A.060)**

1. Upon the adoption of the final budget pursuant to NAC 387.725 or the amendment of the budget pursuant to NAC 387.735, the several amounts stated in it as proposed expenditures are appropriated for the purposes indicated in the budget.

2. No governing body may adopt any budget which appropriates for any fund any amount in excess of the budget resources of that fund.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.735 Procedures and requirements for augmenting or amending budget.**  
(NRS 386.540, 392A.060)

1. If anticipated resources actually available during a budget period exceed those estimated, a charter school or university school for profoundly gifted pupils may amend the budget by an augmentation of the appropriations of a fund. If it is desired to augment the appropriations of a fund, the governing body shall, by majority vote of all members of the governing body, adopt a resolution reciting the appropriations to be augmented, and the nature of the unanticipated resources intended to be used for the augmentation at a regular meeting of the body.

2. A budget augmentation becomes effective upon delivery to the Department of an executed copy of the resolution providing therefor.

3. Nothing in NAC 387.600 to 387.780, inclusive, precludes the amendment of a budget by increasing the total appropriation for any fiscal year to include a grant-in-aid, gift or bequest to a charter school or university school for profoundly gifted pupils which is required to be used for a specific purpose as a condition of the grant. Acceptance of such a grant and agreement to the terms imposed by the granting agency or person constitutes an appropriation to the purpose specified.

4. Budget appropriations may be transferred between functions, funds or contingency accounts in the following manner, if such a transfer does not increase the total appropriation for any fiscal year and is not in conflict with other statutory provisions:

(a) The person designated to administer the budget for a charter school or university school for profoundly gifted pupils may transfer appropriations within any function.

(b) The person designated to administer the budget may transfer appropriations between functions or programs within a fund, if:

(1) The governing body is advised of the action at the next regular meeting; and

(2) The action is recorded in the official minutes of the meeting.

(c) Upon recommendation of the person designated to administer the budget, the governing body may authorize the transfer of appropriations between funds or from the contingency account, if:

(1) The governing body announces the transfer of appropriations at a regularly scheduled meeting and sets forth the exact amounts to be transferred and the accounts, functions, programs and funds affected;

(2) The governing body sets forth its reasons for the transfer; and

(3) The action is recorded in the official minutes of the meeting.

5. In any year in which the Legislature by law increases or decreases the revenues of a charter school or university school for profoundly gifted pupils, and that increase or decrease was not included or anticipated in the final budget of the charter school or university school for profoundly gifted pupils as adopted pursuant to NAC 387.725, the governing body of any such charter school or university school for profoundly gifted pupils may, within 60 days after the adjournment sine die of the legislative session, file an amended budget with the Department increasing or decreasing its anticipated revenues and expenditures from that contained in its final budget to the extent of the actual increase or decrease of revenues resulting from the legislative action.

6. In any year in which the Legislature enacts a law requiring an increase or decrease in expenditures of a charter school or university school for profoundly gifted pupils, which was not anticipated or included in its final budget as adopted pursuant to NAC 387.725, the governing

body of any such charter school or university school for profoundly gifted pupils may, within 60 days after the adjournment sine die of the legislative session, file an amended budget with the Department providing for an increase or decrease in expenditures from that contained in its final budget to the extent of the actual amount made necessary by the legislative action.

7. For each school year, within 60 days of the receipt of the final enrollment and attendance audit performed pursuant to NRS 387.126, each charter school or university school for profoundly gifted pupils shall adopt an amendment to its final budget after the count of pupils is completed pursuant to subsection 1 of NRS 387.1233. The amendment must reflect any adjustments necessary as a result of the completed count of pupils.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.740 Limitation on expenditure of money in excess of amount appropriated; exceptions. (NRS 386.540, 392A.060)**

1. No charter school or university school for profoundly gifted pupils governing body or member thereof may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than medium-term obligation repayments and any other long-term contract expressly authorized by law.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Contracts between a charter school or university school for profoundly gifted pupils and any person for the construction or completion of ~~public works~~ **capital projects**, money for which has been or will be provided by the proceeds of medium-term obligations or an installment-purchase agreement and that are entered into by the charter school or university school for profoundly gifted pupils after:

(1) Any approvals by any other governmental entity required to be obtained before the medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(2) The ordinance or resolution that specifies each of the terms of the medium-term obligations or installment-purchase agreement has been adopted.

(b) Contracts which are entered into by a charter school or university school for profoundly gifted pupils and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the charter school or university school for profoundly gifted pupils, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(c) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(d) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(e) The receipt by a charter school or university school for profoundly gifted pupils of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the charter school or university school for profoundly gifted pupils; and

(2) Is required by statute to be remitted to another governmental entity.

3. The fund balance of a governmental fund may not be used unless appropriated in a manner provided by law.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.750 Reporting of expenditures of charter school or university school for profoundly gifted pupils for lobbying activities; filing with Department. (NRS 386.540, 392A.060)**

1. In each year in which the Legislature convenes, a charter school or university school for profoundly gifted pupils which expends more than \$6,000 on activities designed to influence the passage or defeat of any legislation shall file with the Department within 60 days after the adjournment sine die of the legislative session a report supplemental to its final budget which includes separate items for expenses relating to that activity, including, without limitation:

(a) Transportation.

(b) The amount of money spent on:

(1) The lodging and meals of its officers, lobbyists and employees;

(2) The salary or wages paid to its officers and employees; and

(3) Compensation paid to any lobbyists, to the extent that such information does not duplicate the information required pursuant to subparagraphs (1) and (2).

(c) The amount of money spent on entertainment, gifts or other expenses which are required to be reported pursuant to chapter 218H of NRS.

(d) The amount of money spent in Carson City on supplies, equipment and facilities and other personnel and services needed to support the activity.

(e) An identification of the fund, account or other source against which the expenses were charged.

2. The amounts reported pursuant to subsection 1 must include any funds spent by an educational management organization with whom the charter school or university school for profoundly gifted pupils has a contract.

3. The charter school or university school for profoundly gifted pupils shall make a copy of the supplemental report available for inspection within 60 days after the adjournment sine die of the legislative session.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.755 Establishment of contingency account authorized; limit on appropriations; expenditures from account. (NRS 386.540, 392A.060)** A contingency account may be established in any governmental fund. The maximum amount which may be appropriated for such a contingency account is 3 percent of the money otherwise appropriated to the fund, exclusive of any amounts to be transferred to other funds. No expenditure may be made directly from such a contingency account, except as a transfer to the appropriate account, and then only in accordance with the procedure established in NAC 387.735.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.760 Establishment of petty cash, imprest or revolving accounts authorized; payments from accounts; reimbursement of accounts. (NRS 386.540, 392A.060)**

1. The governing body of any charter school or university school for profoundly gifted pupils may, by resolution, establish one or more petty cash accounts, imprest accounts or revolving accounts in a bank or credit union to assist in the administration of any activities in



which the charter school or university school for profoundly gifted pupils is authorized by law to engage.

2. A resolution establishing any petty cash account, imprest account or revolving account in a bank or credit union must, in detail, set forth the following:

- (a) The object and purpose of the account.
- (b) The source of money to be used to establish and maintain the account.
- (c) The method of controlling expenditures from the account.
- (d) The maximum dollar amount of any single expenditure.

3. Payments made out of any such accounts in accordance with the establishing resolution may be made directly without approval of the governing body of any charter school or university school for profoundly gifted pupils.

4. Reimbursement of any such petty cash, imprest or revolving accounts must be made no less often than monthly. The reimbursement must be supported by proper evidences of expenditures made from the account and must be approved by the governing body in the same manner as other claims against the fund to which the reimbursement is to be charged.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.765 Compliance with accounting principles; use of chart of accounts; maintenance of money in banks, credit unions or savings and loan associations.** (NRS 386.540, 392A.060) A charter school or university school for profoundly gifted pupils shall:

1. Comply with generally accepted accounting principles.
2. Use the chart of accounts prescribed by the Department.
3. Maintain all money received by the charter school or university school for profoundly gifted pupils from this State and from the board of trustees of a school district in:

(a) A bank in this State whose deposits are insured by the Federal Deposit Insurance Corporation;

(b) A credit union in this State whose deposits are insured by the National Credit Union Share Insurance Fund or by a private insurer approved pursuant to NRS 678.755; or

(c) A savings and loan association in this State whose deposits, if made by the State, a charter school or a university school for profoundly gifted pupils or an agency of either, are insured by the Federal Deposit Insurance Corporation, or the legal successor of the Federal Deposit Insurance Corporation.

4. No expenditures from an account may be made in excess of the balance of the account.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.770 Establishment of property and equipment records; inventory controls.** (NRS 386.540, 392A.060) The governing body of each charter school and the governing body of each university school for profoundly gifted pupils shall:

1. Cause to be established and maintained adequate property and equipment records and, where appropriate, adequate inventory controls. Each charter school and each university school for profoundly gifted pupils shall establish such records and controls within 1 year after its creation unless the Department grants an extension of time.

2. Require that all such property, equipment and inventory records clearly indicate specific ownership. *The property and equipment records must identify the source of money used to purchase each item or the name of the entity that donated the item, as applicable.*

3. Designate, by entry in the minutes of the governing body, the officer, employee or officers or employees responsible for the maintenance of property and equipment records and, where appropriate, inventory records, and notify the Department of such designation.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.775 Annual audits. (NRS 386.540, 392A.060)**

1. The governing body of a charter school or university school for profoundly gifted pupils shall cause the charter school or university school for profoundly gifted pupils to be audited on an annual basis.

2. All audits must be performed by:

(a) A public accountant certified or registered; or

(b) A partnership or professional corporation registered,

↪ pursuant to the provisions of chapter 628 of NRS.

3. Each annual audit must:

(a) Cover the business of the charter school or university school for profoundly gifted pupils during the full fiscal year;

(b) Be a financial audit conducted in accordance with generally accepted auditing standards in the United States; and

(c) Include:

(1) An analysis of and findings on compliance with applicable statutes and regulations;

(2) A management letter outlining any recommendations for improvement;

(3) An expression of opinion on the financial statements; and

(4) Any other comments deemed pertinent by the auditor.

↪ The form of the financial statements must be prescribed by the Department, and the chart of accounts must be, as nearly as possible, the same as that used in the preparation and publication of the annual budget.

4. The annual audit of the charter school or university school for profoundly gifted pupils must be concluded and the report submitted to the governing body not later than 4 months after the close of the fiscal year for which the audit is conducted.

5. The opinion and findings of the auditor contained in the report of the audit must be presented at a meeting of the governing body held not more than 30 days after the report is submitted to it.

6. Immediately thereafter, the entire report, together with the management letter required by generally accepted auditing standards in the United States, must be filed as a public record with:

(a) The Department;

(b) The Legislative Counsel Bureau; and

(c) ~~For a charter school that is not sponsored by the State Board,~~ the sponsor of the charter school.

7. After the report of the audit is filed by the charter school or university school for profoundly gifted pupils, the report of the audit, including, without limitation, the opinion and findings of the auditor contained in the report of the audit, may be disseminated by or on behalf of the charter school or university school for profoundly gifted pupils for which the report was prepared by inclusion, without limitation, in or on:

(a) A filing made pursuant to the laws or regulations of this State;

(b) A filing made pursuant to a rule or regulation of the Securities and Exchange Commission of the United States; or

(c) A website maintained by a charter school or university school for profoundly gifted pupils on the Internet or its successor,

↪ without the consent of the auditor who prepared the report of the audit. A provision of a contract entered into between an auditor and a charter school or university school for profoundly gifted pupils that is contrary to the provisions of this subsection is against the public policy of this State and is void and unenforceable.

8. If an auditor finds evidence of fraud or dishonesty in the financial statements of a charter school or university school for profoundly gifted pupils, the auditor shall report such evidence to the appropriate level of management in the charter school or university school for profoundly gifted pupils, or to the governing body or sponsor of the charter school or university school for profoundly gifted pupils if the evidence of fraud or dishonesty involved the highest levels of management or the governing body.

9. The governing body shall act upon the recommendations of the report of the audit within 3 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

**NAC 387.780 Review of annual audit by Department; plan of correction for violations; hearing. (NRS 386.540, 392A.060)**

1. The Department shall review the annual audit of each charter school and each university school for profoundly gifted pupils to determine whether it complies with the applicable statutes and regulations governing charter schools and university schools for profoundly gifted pupils. Any independent auditor's report, whether upon financial position and results of operations or upon internal financial controls, which the Department believes may not comply with those regulations must be referred by the Department to the Nevada State Board of Accountancy for investigation and such action in respect to the issuing accountant as the Board may find appropriate in the circumstances.

2. In its review of the annual audits submitted, the Department shall identify all violations of statute and regulation reported therein. Within 60 days after the delivery of the annual audit to the charter school or university school for profoundly gifted pupils, the governing body shall advise the Department what action has been taken to prevent recurrence of each violation of law or regulation or to correct each continuing violation. The Department shall evaluate the plan of correction proposed by the charter school or university school for profoundly gifted pupils and, if the plan is satisfactory, shall so advise the governing body. If the plan is not satisfactory, the Department shall advise the governing body that it deems the plan inadequate and propose an alternative plan. Within 30 days thereafter, the governing body shall report its assent to the Department's plan or request a hearing before the State Board. The hearing must be held at the next meeting of the State Board, but must not be held more than 90 days after such a request is received. The determination of the State Board is final.

3. If the governing body fails to submit a proposed plan of correction pursuant to subsection 2, or if the Superintendent of Public Instruction determines that the plan established is not being complied with, the Superintendent must, through the Office of the Attorney General, seek a writ from a court of competent jurisdiction to compel compliance.

(Added to NAC by Bd. of Education by R026-09, eff. 10-27-2009)

DRAFT

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Discussion and possible action  
regarding the Nevada Interscholastic Athletic  
Association (NIAA) proposed regulations and  
possible next steps for the Authority**

|                   |                     |
|-------------------|---------------------|
| <u>  /  /  </u>   | Public Workshop     |
| <u>  /  /  </u>   | Public Hearing      |
| <u>  /  /  </u>   | Consent Agenda      |
| <u>  /  /  </u>   | Regulation Adoption |
| <u>  /  /  </u>   | Approval            |
| <u>  /  /  </u>   | Appointments        |
| <u>  /  x/  </u>  | Information         |
| <u>  /  x /  </u> | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 10

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Shane Chesney, Senior Deputy Attorney General**

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 20 mins**

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Update Regarding the Charter  
School Revolving Loan Account**

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  /  </u>  | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 11

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Brian Flanner CPA, Administrative Services Officer, State Public Charter School Authority

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 20 mins

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

**Nevada State Public Charter School Authority**  
**2014-15 Application for a**  
**Charter School Revolving Loan**  
(Pursuant to Nevada Revised Statute 386.576)  
**Submission Window is January 1, 2014 - March 15, 2014**

|  |  |   |  |
|--|--|---|--|
| <b>Charter School Name:</b> <input style="width: 90%;" type="text"/>   |  |   |  |
| <b>School Street Address:</b> <input style="width: 90%;" type="text"/>   |  |   |  |
| <b>City:</b> <input style="width: 25%;" type="text"/>  | <b>State:</b> <input style="width: 10%;" type="text"/> | <b>Zip:</b> <input style="width: 20%;" type="text"/>  |  |
| <b>Contact Name:</b> <input style="width: 40%;" type="text"/>  |  | <b>Phone:</b> <input style="width: 20%;" type="text"/>  |  |
| <b>Mailing Address:</b> <input style="width: 90%;" type="text"/>   |  |   |  |
| <b>City:</b> <input style="width: 25%;" type="text"/>  | <b>State:</b> <input style="width: 10%;" type="text"/> | <b>Zip:</b> <input style="width: 20%;" type="text"/>  |  |
| <b>Title:</b> <input style="width: 40%;" type="text"/>   |  | <b>email:</b> <input style="width: 20%;" type="text"/>  |  |
| <b>Chartering Entity (School District or State Public Charter School Authority):</b><br><input style="width: 90%;" type="text"/> |  |   |  |
| <b>Term of Charter:</b> <input style="width: 15%; text-align: center; font-size: small;"/> (xx/xx/xx)                            | <b>to</b>  | <input style="width: 15%; text-align: center; font-size: small;"/> (xx/xx/xx)                 | <b>Opening Date:</b> <input style="width: 20%; text-align: center; font-size: small;"/> (xx/xx/xx) |
| <b>Loan Amount Requested:</b> <input style="width: 20%;" type="text"/>   |  | <b>Repayment Period Requested (1, 2 or 3 years):</b> <input style="width: 10%;" type="text"/> |  |
| <b>Number of Students to be Enrolled:</b>  |  | <b>K-5</b>  | <b>6-8</b>   |
|  |  | <b>9-12</b>   | <b>Total K-12</b>  |
|  |  | 0   | -  |

The undersigned hereby requests a loan from the Account for Charter Schools in accordance with Nevada Revised Statute 386.576. I certify that the above information and supporting documents are true and correct to the best of my knowledge and that any loan funds received as a result of this application will be used in accordance with Nevada Revised Statute 386.576 and all other applicable state and federal laws. By signing this document the entity that is requesting the loan is assuring the repayment of the loan in full, even in the event of closure of the charter school.

|  |  |
|--|--|
| <b>Signature of Governing Body President</b> | <input style="width: 90%;" type="text"/> |
| <b>Printed Name</b>                          | <input style="width: 90%;" type="text"/> |
| <b>Date</b>                                  | <input style="width: 90%;" type="text"/> |

The following documentation must be attached to this application form:

- 1) A resolution by the charter school's governing board, authorizing the loan application.
- 2) A letter of endorsement from the sponsor of the charter school.
- 3) A written request for a loan describing:
  - a. The financial needs of the charter school.
  - b. The business plan for the charter school.
  - c. The effect that receipt of the loan will have on the operation of the charter school.
  - d. The effect, if any, that receipt of the loan will have on the ability of the governing body or the charter school to obtain other financial assistance from public and private sources.
  - e. The plan for the use of the money obtained from the loan.
  - f. A list of the anticipated expenses that will be funded with the loan.
- 4) An operational budget for the charter school for the requested term of the loan. The budget should identify all sources of revenue and expenses and include a written narrative that explains each of the assumptions.
- 5) A statement of monthly cashflow for the requested term of the loan. The cash flow statement should identify the amount and timing of receipt of revenues relative to the timing of expenditures.
- 6) For operational schools, three business references.

Senate Bill No. 3—Committee of the Whole

CHAPTER.....

AN ACT relating to the Account for Charter Schools; transferring the responsibility to administer the Account for Charter Schools from the Department of Education to the State Public Charter School Authority; revising the maximum total amount of a loan that may be made to a charter school; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the Department of Education administers the Account for Charter Schools. (NRS 386.576) Money in the Account is used to make loans to charter schools for certain costs incurred: (1) in preparing a charter school to commence its first year of operation; and (2) to improve a charter school that has been in operation. (NRS 386.577) This bill transfers the responsibility to administer the Account for Charter Schools from the Department to the State Public Charter School Authority and revises the maximum total amount of a loan that may be made to a charter school.

EXPLANATION — Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 386.576 is hereby amended to read as follows:

386.576 1. The Account for Charter Schools is hereby created in the State General Fund as a revolving loan account, to be administered by the [Department.] *State Public Charter School Authority*.

2. The money in the Account must be invested as money in other state accounts is invested. All interest and income earned on the money in the Account must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward.

3. All payments of principal and interest on all the loans made to a charter school from the Account must be deposited with the State Treasurer for credit to the Account.

4. Claims against the Account must be paid as other claims against the State are paid.

5. The [Department] *State Public Charter School Authority* may accept gifts, grants, bequests and donations from any source for deposit in the Account.

**Sec. 2.** NRS 386.577 is hereby amended to read as follows:

386.577 1. After deducting the costs directly related to administering the Account for Charter Schools, the [Department] *State Public Charter School Authority* may use the money in the Account for Charter Schools, including repayments of principal and interest on loans made from the Account, and interest and income earned on money in the Account, only to make loans at or below market rate to charter schools for the costs incurred:



- (a) In preparing a charter school to commence its first year of operation; and
  - (b) To improve a charter school that has been in operation.
2. The total amount of a loan that may be made to a charter school [in 1 year] *pursuant to subsection 1* must not exceed [\$25,000.] *the lesser of an amount equal to \$500 per pupil enrolled or to be enrolled at the charter school or \$200,000.*

**Sec. 3.** NRS 386.578 is hereby amended to read as follows:

386.578 1. If the governing body of a charter school has a written charter issued pursuant to NRS 386.527, the governing body may submit an application to the [Department] *State Public Charter School Authority* for a loan from the Account for Charter Schools. An application must include a written description of the manner in which the loan will be used to prepare the charter school for its first year of operation or to improve a charter school that has been in operation.

2. The [Department] *State Public Charter School Authority* shall, within the limits of money available for use in the Account, make loans to charter schools whose applications have been approved. If the [Department] *State Public Charter School Authority* makes a loan from the Account, the [Department] *State Public Charter School Authority* shall ensure that the contract for the loan includes all terms and conditions for repayment of the loan.

3. The State Board:

- (a) Shall adopt regulations that prescribe the:
  - (1) Annual deadline for submission of an application to the [Department] *State Public Charter School Authority* by a charter school that desires to receive a loan from the Account; and
  - (2) Period for repayment and the rate of interest for loans made from the Account.
- (b) May adopt such other regulations as it deems necessary to carry out the provisions of this section and NRS 386.576 and 386.577.

**Sec. 4.** This act becomes effective upon passage and approval.

#### Account for Charter Schools

**NAC 386.420 Definitions.** (NRS 385.080, 386.578) As used in NAC 386.420 to 386.445, inclusive, unless the context otherwise requires, the words and terms defined in NAC 386.425 and 386.430 have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002)

**NAC 386.425 "Account" defined.** (NRS 385.080, 386.578) "Account" means the Account for Charter Schools created pursuant to NRS 386.576.

(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002)

~~**NAC 386.430 "Operational charter school" defined.** (NRS 385.080, 386.578) "Operational charter school" means a charter school in which pupils are enrolled who are receiving instruction from the charter school.~~

~~—(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002)~~

**NAC 386.435 Application for loan from Account; annual determination of balance of money in Account.** (NRS 385.080, 386.578)

1. An application for a loan from the Account must be submitted by the governing body of a charter school to the Department *State Public Charter School Authority between January 1 and March 15* ~~on or before September 30~~ of the calendar year ~~immediately preceding the calendar~~ year in which the loan will be made. The Department *State Public Charter School Authority* shall not accept an application for a loan from the Account unless the Department *State Public Charter School Authority* has determined pursuant to subsection 2 that the balance of money in the Account is \$5,000 or more. An application must include:

(a) The name of the charter school.

(b) The name, address and telephone number of the person whom the Department *State Public Charter School Authority* may contact regarding the application.

(c) The proposal of the charter school to repay the loan, consistent with NAC 386.445.

(d) A description of:

(1) The financial needs of the charter school;

(2) The business plan for the charter school;

(3) The effect that receipt of the loan will have on the operation of the charter school;

(4) The effect, if any, that receipt of the loan will have on the ability of the governing body or the charter school to obtain other financial assistance from public and private sources; and

(5) The plan, ~~if any,~~ for the use of the money obtained from the loan, ~~including, without limitation, methods to enhance the credit of the charter school.~~

(e) A list of the anticipated expenses for which the money obtained from the loan will be used.

(f) A budget for the charter school for the fiscal year in which the loan is received and for each fiscal year of the proposed period for repayment of the loan. The budget must:

(1) Include an identification of all sources of revenue and expenses;

(2) Include the cost for repayment of the loan; and

(3) Be accompanied by a written narrative explaining each of the assumptions made in developing the budget.

(g) If the charter school is an operational charter school, a statement of the financial history of the applicant.

(h) If a member of the governing body has or had an association or affiliation with another charter school in this State or another state, a statement of the financial history of the charter school with which the member has or had such an association or affiliation. The provisions of this paragraph apply regardless of whether the member has terminated the association or affiliation.

(i) *For an operating charter school*, three credit references for the applicant.

(j) A statement of the monthly cash flow for the operation of the charter school, including, without limitation, an identification of the amount and timing of receipt of revenue relating to the amount and timing of expenditures.

(k) A resolution of the governing body authorizing submission of the application.

(l) *A letter of endorsement from the sponsor of the charter school.*

2. On or before July 1 of each year, the Department *State Public Charter School Authority* shall determine the balance of money in the Account. If the Department *State Public Charter School Authority* determines that the balance of money in the Account is \$5,000 or more, the Department *State Public Charter School Authority* shall provide notice of that fact and the availability of loans from the Account to each charter school that has been issued a written charter *or charter contract, as applicable*, pursuant to NRS 386.527.

(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002)

**NAC 386.440 Priority for loans; considerations for approval of loans.** (NRS 385.080, 386.578)

1. To the extent that money is available in the Account, the Department *State Public Charter School Authority* shall grant priority for loans from the Account to those charter schools with approved applications that will use the money obtained from the loan in preparing to commence the first year of operation.

2. In determining whether to approve an application, the Department *State Public Charter School Authority* shall consider the:

(a) Reliability of the business plan submitted with the application;

(b) Ability of the charter school to obtain financial assistance from other sources;

(c) Information submitted in the application; and

(d) Effect of approval of the application on the equitable geographic distribution throughout this State of loans from the Account.

(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002)

**NAC 386.445 Repayment of loans.** (NRS 385.080, 386.540, 386.578)

1. The rate of interest for loans made from the Account is the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the transaction.

2. If a loan is made to a charter school from the Account, the Department shall deduct from the apportionments made to the charter school pursuant to NRS 387.124, an amount of money equal to the annual repayment amount of the loan, including interest. The deductions must be made:

(a) In quarterly amounts corresponding with the quarterly apportionment to the charter school.

(b) In equal amounts during the period of repayment agreed upon by the governing body of the charter school and the ~~Department~~ **State Public Charter School Authority**, not to exceed 3 years.

3. If a loan is made to an operational charter school, the deductions must be made commencing in the same fiscal year in which the loan is made. If a loan is made to a *non-operational* charter school that has a written charter *or a charter contract* issued pursuant to ~~subsection 7 of~~ NRS 386.527, the deductions must be made commencing with the first fiscal year immediately succeeding the fiscal year in which the charter school becomes an operational charter school.

4. If a charter school that receives a loan:

(a) Defaults on repayment of the ~~full amount~~ *outstanding balance* of the loan;

(b) Was issued a written charter pursuant to subsection 7 of NRS 386.527 and the charter school fails to obtain a written charter issued pursuant to subsection 5 of NRS 386.527;

(c) *Was issued a charter contract and the charter school fails to fulfill its pre-opening requirements for commencement of operation*

(ed) Closes or otherwise ceases operation,

□ the charter school shall be solely liable for repayment of the full amount of the loan.

~~a)~~ (e) *Uses money received from this State to purchase any real property or other property, the governing body of the charter school shall assign a security interest in the property to the State of Nevada. If the charter school then closes or otherwise ceases operation, any real property or other property held by the charter school must be disposed of as provided in NRS 386.536.*

5. As used in this section, "fiscal year" means the 12-month period beginning on the first day of July and ending on the last day of June.

(Added to NAC by Bd. of Education by R206-01, eff. 4-1-2002; A by Dep't of Education by R044-05, 10-31-2005)

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T:** Appointment of Interim

**Director**

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  x/  </u> | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 12

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Kathleen Conaboy, Chair, State Public Charter School Authority

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**RECOMMENDATION:** Approve Tom McCormack for SPCSA Interim Director

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 20 mins

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_

**BRIAN SANDAVOL**  
*Governor*

**STATE OF NEVADA**

**STEVE CANAVERO**  
*Director*



**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687-9174 • Fax: (775) 687-9113

December 18, 2013

Thomas McCormack  
700 Norrie Drive  
Carson City, NV 89703

Dear Mr. McCormack,

It is my pleasure to officially extend to you an offer of appointment as the Interim Director of the State Public Charter School Authority. This position is offered with the understanding that it is interim, or temporary in nature, and will terminate upon the Authority Board's decision to hire a full-time Director. If you accept this Interim Director position, you will be placed on leave, without pay, from your Educational Program Professional position (2711-0077). Your Educational Program Professional position will be held open for you to return to upon completion of the Interim Director appointment. This offer is made contingent on Authority action approving the appointment at the January 10, 2014 board meeting.

This position is being offered to you at the legislatively approved salary of \$97,901 per year, based on the Employee/Employer Paid Retirement compensation schedule. An employer-paid contribution plan is also available with a reduced gross salary. As discussed, the effective date of this appointment is January 11, 2014. Please note that, per action by the Nevada State Legislature, State of Nevada Unclassified employees are subject to a mandatory unpaid furlough requirement of 48 hours per year (part-time prorated) through June 30, 2015. The quoted salary does not reflect the mandatory furlough.

Please sign and date the section below to accept this offer of employment, and either e-mail or fax it to me informing me of your decision to accept this offer. If you have questions prior to starting, please do not hesitate to contact me at (775) 846-3110.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen A. Conaboy".

Kathleen Conaboy  
Chair  
State Public Charter School Authority Board

I, Tom McCormack, accept the appointment to Interim Director for  
the **State Public Charter School Authority** under the terms of this offer, dated **December 18,**  
**2013**

Signed: J. W. Forman

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Overview of Authority Board  
work in the next 3 months**

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  /  </u>  | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 13

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Tom McCormack, Interim Director, State Public Charter School Authority**

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 20 mins**

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_



**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Charter School Association of  
Nevada Update**

|                  |                     |
|------------------|---------------------|
| <u>  /  /  </u>  | Public Workshop     |
| <u>  /  /  </u>  | Public Hearing      |
| <u>  /  /  </u>  | Consent Agenda      |
| <u>  /  /  </u>  | Regulation Adoption |
| <u>  /  /  </u>  | Approval            |
| <u>  /  /  </u>  | Appointments        |
| <u>  /  x/  </u> | Information         |
| <u>  /  /  </u>  | Action              |

MEETING DATE: January 10, 2014

AGENDA ITEM: 14

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S):** Melissa Mackedon, Chair, CSAN

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**RECOMMENDATION:**

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**FISCAL IMPACT:**

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**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

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**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES):** 10 mins

**BACKGROUND:**

**SUBMITTED BY:** \_\_\_\_\_